DOCUMENT RESUME

ED 148 579 SE 023 361

TITLE	The President's Environmental Program, 1977.
INSTITUTION	Council on Environmental Quality, Washington, D.C.
PUB DATE	77
NOTE	70p.
AVAILABLE FROM	Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402 (Stock Number 040-000-00384-3; No price quoted)
EDRS PRICE	MF-$0.83 HC-$3.50 Plus Postage.
DESCRIPTORS	*Environment; Environmental Education; Environmental Influences; Federal Government; *Government Publications; Natural Resources; *Physical Environment; Presidents; *Program Descriptions; *Reference Materials
IDENTIFIERS	Carter Administration; Council on Environmental Quality

ABSTRACT

This government publication contains, in the order given, President Carter's Message on the Environment; a Fact Sheet explaining the background and details of the President's proposed legislation, Executive orders, and directives; the Executive orders themselves; and a brief explanation of the Administration position on the Clean Air Act amendments. The Executive orders include exotic organisms, floodplain management, off-road vehicles on public lands, protection of wetlands, and protection and enhancement of environmental quality. Two different kinds of type are used in the book to distinguish between Presidential materials and the fact sheet explanations. (MA)

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ED148579

The President's Environmental Program

1977

Compiled by the Council on Environmental Quality
May 1977

For sale by the Superintendent of Documents, U.S. Government Printing Office
Washington, D.C. 20402

Stock No. 040-000-00384-5

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FOREWORD

For your convenience, we have assembled the President's Message on the Environment; the Fact Sheet explaining the background and details of the President's proposed legislation, Executive orders, and directives; the Executive orders themselves; and a brief explanation of the Administration position on the Clean Air Act amendments.

We hope that these materials will be helpful to you as we work together to protect, preserve, and improve our environment.

Charles Warren
Chairman

CONTENTS

The President's Message on the Environmenttt	M-1
Fact Sheet on the President's Message	FS-1
Executive Order 11987, Exotic Organisms	EO-1
Executive Order 11988, Floodplain Management	EO-1
Executive Order 11989, Off-Road Vehicles on Public Lands	EO-4
Executive Order 11990, Protection of Wetlands	EO-4
Executive Order 11514, Protection and Enhancement of Environmental Quality, As amended by Executive Order 11991 (Secs. 2(g) and 3(h))	EO-6
Press Statement of Douglas M. Costle on Amendments to the Clean Air Act	CAA-1

The Environment

The President's Message to the Congress. May 23, 1977

To the Congress of the United States:

This message brings together a great variety of programs. It deals not only with ways to preserve the wilderness, wildlife, and natural and historical resources which are a beautiful and valued part of America's national heritage: it deals also with the effects of pollution, toxic chemicals, and the damage caused by the demand for energy. Each of these concerns, in its own way, affects the environment; and together they underscore the importance of environmental protection in all our lives.

Americans long thought that nature could take care of itself—or that if it did not, the consequences were someone else's problem. As we know now, that assumption was wrong: none of us is a stranger to environmental problems.

Industrial workers, for example, are exposed to disproportionate risks from toxic substances in their surroundings. The urban poor, many of whom have never had the chance to canoe a river or hike a mountain trail, must nevertheless endure each day the hazardous effects of lead and other pollutants in the air.

I believe environmental protection is consistent with a sound economy. Previous pollution control laws have generated many more jobs than they have cost. And other environmental measures whose time has come—measures like energy conservation, reclamation of stripmined lands, and rehabilitation of our cities—will produce still more new jobs, often where they are needed most. In any event, if we ignore the care of our environment, the day will eventually come when our economy suffers for that neglect.

Intelligent stewardship of the environment on behalf of all Americans is a prime responsibility of government. Congress has in the past carried out its share of this duty well—so well, in fact, that the primary need today is not for new comprehensive statutes but for sensitive administration and energetic enforcement of the ones we have. Environmental protection is no longer just a legislative job, but one that requires—and will now receive—firm and unsparing support from the Executive Branch.

In this spirit, I am presenting the following program to build upon Congress' admirable record:

Actions to control pollution and protect health

- A coordinated attack on toxic chemicals in the environment
- Effective implementation of the Toxic Substances Control Act
- Accelerated development of occupational health standards to protect workers
- Strong legislation to improve air quality
- A $45 billion, 10-year program to build sewage facilities
- Accelerated study of economic incentives to encourage recycling

Actions to assure environmentally sound energy development

- Support for amendments to improve the Outer Continental Shelf Lands Act
- Revision of the OCS leasing schedule
- More participation by states in the current OCS program
- Accelerated identification of health and environmental effects of new energy technologies
- A nationwide evaluation of the availability of water for energy development
- Support for strong national stripmining legislation
- Reform of the federal coal leasing program

Actions to improve the urban environment

- Commitment to neighborhood preservation and conservation
- Use of historic buildings for federal offices where appropriate
- An improved and expanded urban homesteading program

Actions to protect our natural resources

- A comprehensive review of water resources policy
- Executive Orders to direct federal agencies to refrain from supporting development in floodplains and wetlands
- Support for the program regulating dredge spoil disposal in wetlands
- $50 million over the next five years to purchase wetlands to protect waterfowl habitat
- Development of legislation to replace the anachronistic Mining Law of 1872 with one that establishes a leasing system for hardrock minerals
- A comprehensive review of the Cooperative Forestry Program
- An Executive Order strengthening protection of public lands from the uncontrolled use of off-road vehicles

Actions to preserve our national heritage

- An accelerated five-year, $759 million program to develop new and existing parks
- Development of legislation to establish a National Heritage Trust to protect places of cultural, historic, and ecological value
- Support for designating major additions to the Park, Forest, Wildlife Refuge, and Wild and Scenic River Systems in Alaska
- Four new wilderness proposals and enlargement of five others submitted by previous Administrations
- Accelerated preparation of new wilderness proposals for Alaska and the East and initiation of a vigorous new wilderness program on Bureau of Land Management lands
- Eight new Wild and Scenic Rivers and proposals to study 20 others
- Legislation to deauthorize the Cross Florida Barge Canal and to study adding the Oklawaha River to the Wild and Scenic River System
- Three new National Scenic Trails

Actions to protect wildlife

- A $295 million five-year program to rehabilitate and improve the Wildlife Refuge System
- Improved protection for nongame wildlife
- An accelerated effort to identify habitat critical to the survival and recovery of endangered species
- An Executive Order restricting the introduction of potentially harmful foreign plants and animals into the United States

Actions which affirm our concern for the global environment

- A major interagency study to assess potential global environmental changes and their impact on the United States
- An offer to assist interested nations in dealing with population problems
- Inclusion of environmental considerations in assistance programs of the Agency for International Development
- Support for a number of international environmental agreements
- A prohibition on commercial whaling in the U.S. 200-mile fisheries zone

Actions to improve implementation of environmental laws

- An Executive Order directing the Council on Environmental Quality to issue regulations reducing paperwork in the environmental impact statement process

- Development of legislation to create one consolidated environmental grant program
- A review of environmental coordination legislation to reduce overlapping and conflicting requirements.

I. Pollution and Health

At the beginning of this decade, the United States embarked on a long overdue program to reduce pollution and make our environment healthier and more livable. My Administration fully supports the progressive legislation that has been enacted. We are particularly committed to strong measures to protect our most important resource—human health—from the increasingly apparent problem of hazardous substances in the environment.

- We plan to improve enforcement of our pollution control laws.
- We intend to make increased use of economic incentives to achieve our environmental goals.
- We will seize opportunities to reduce pollution by conserving resources.
- We will work with state and local governments to make sure that the job of controlling pollution is properly planned and does not stop with the promulgation of regulations in Washington.
- We will make every effort to see that regulation of a problem in one medium—such as water—does not create new environmental problems in another medium—such as air.
- And we will squarely face emerging environmental problems so that they can be dealt with effectively without an atmosphere of crisis.

TOXIC CHEMICALS

The presence of toxic chemicals in our environment is one of the grimmest discoveries of the industrial era. Rather than coping with these hazards after they have escaped into our environment, our primary objective must be to prevent them from entering the environment at all.

At least a dozen major federal statutes, implemented by seven different agencies, address this problem in various ways. With the enactment last year of the Toxic Substances Control Act, no further comprehensive federal legislation should be necessary. Now we must inaugurate a coordinated federal effort to exclude these chemicals from our environment.

I am therefore instructing the Council on Environmental Quality to develop an interagency program (1) to eliminate overlaps and fill gaps in the collection of data on toxic chemicals, and (2) to coordinate federal research and regulatory activities affecting them.

The Toxic Substances Control Act enables the federal government, for the first time, to gather the information on chemical substances needed to determine their potential for damaging human health and the environment, and to control them where necessary to protect the public. My FY 1978 budget provides nearly $29 million—a threefold increase over Fiscal 1977—for the Environmental Protection Agency to implement this important Act.

I have instructed the Environmental Protection Agency to give its highest priority to developing 1983-best-available-technology industrial effluent standards which will control toxic pollutants under the Federal Water Pollution Control Act, and to incorporate these standards into discharge permits. My Administration will be seeking amendments to this Act, including revision of Section 307(a), to permit the Environmental Protection Agency to move more decisively against the discharge of chemicals potentially injurious to human health.

Finally, I have instructed the Environmental Protection Agency to set standards under the Safe Drinking Water Act which will limit human exposure to toxic substances in drinking water, beginning with potential carcinogens.

THE WORKPLACE

Each year, environmental hazards in the workplace cause at least 390,000 new cases of disease and perhaps as many as 100,000 deaths. Regulation of toxic chemicals will reduce this toll, but other steps are also necessary to protect worker health and to assure adequate compensation to those who suffer from occupational diseases.

In the past, implementation of the Occupational Safety and Health Act of 1970 has emphasized safety and too often resulted in unnecessary and burdensome regulations. Yet at the same time the federal response to health problems has been unconscionably slow. Under my Administration OSHA will develop and enforce effective standards for occupational health without repeating the excesses of the past. We will continue to work with the Congress to strengthen the Coal Mine Health and Safety Act and the Metallic and Nonmetallic Mine Safety Act, and we are now implementing administrative reforms to improve standard-setting procedures, enforcement, and penalty collection.

In addition, my Administration will explore and develop proposals to supplement federal occupational health regulations, and will examine the full range of reforms that might be undertaken by the appropriate levels of government to assure adequate compensation for occupationally-induced diseases.

AIR POLLUTION

Clean air is essential to the health and welfare of all Americans. Although we have made considerable progress, much remains to be done before we have fully achieved our ambient air quality goals.

My Administration has already submitted to the Congress certain amendments to the Clean Air Act. I support:

- Strong provisions to prevent the deterioration of air quality in already clean areas;
- A program to protect visibility in our national parks and wilderness areas;

• Strong enforcement tools, including economic penalties to eliminate the benefits of delay or noncompliance;

• The use of "best available control" technologies in all new facilities;

• Strict controls on coal-burning plants to insure that they meet air quality standards;

• Emission limitations for automobiles which help meet clean air goals but allow achievement of strict fuel economy standards;

• State implementation of inspection and maintenance programs in seriously polluted areas to ensure that automobiles continue to meet emission control requirements while in use.

In addition, I have instructed the Administrator of the Environmental Protection Agency to review his agency's regulations controlling new industrial growth in areas now violating air quality health standards and to recommend to me and to the Congress a fair and effective policy for meeting these standards in the future. Adoption of new legislative provisions in this area should await the results of this review.

WATER QUALITY

The nation has made considerable progress in cleaning up its waters under the program set forth in the 1972 amendments to the Federal Water Pollution Control Act, but much remains to be done in order to achieve the Act's goal of fishable and swimmable waters. Three areas deserve particular attention:

(1) To help control pollution from municipal sewage systems—an effort that currently involves 10,000 projects in planning or under construction—we need substantial additional funding. I have already asked the Congress to authorize the expenditure of $4.5 billion in each of the next ten years for municipal waste water treatment facilities and to allow a one-year extension in the September 1977 deadline for the obligation of construction grant funds. But at the same time we need to be sure that sewage projects supported by federal money do not create additional environmental problems, and that they are designed to encourage water conservation as well as water treatment. We also must ensure that the systems are operated properly once they have been built; that there is an effective pretreatment program to remove harmful industrial wastes from these systems; and that we are carefully considering alternative solutions, particularly in smaller communities, so that we can be sure of building the projects which are economically and environmentally most effective.

(2) I have already asked the Congress to increase the funds available for the Section 208 Planning Program, which helps place water quality management in the hands of state and local government, where much of the job of prevention and abatement must actually be done. This Section of the 1972 Amendments provides a means for addressing the increasingly serious problem of pollution caused by runoff from agriculture, mining, forestry, and urban streets. To make it operate effectively, tough state and local plans addressing these problems must be completed and implemented as soon as possible.

(3) Finally, I will be submitting further water quality amendments for your consideration in the current session. They will include provisions to make pollution unprofitable as well as illegal by imposing penalties on firms that have failed to abate their pollution on schedule; provisions to make law enforcement more stringent; and provisions necessary to ensure that actions are taken in accord with water quality management plans.

SOLID WASTE

"Solid wastes" are the discarded left-overs of our advanced consumer society. This growing mountain of garbage and trash represents not only an attitude of indifference toward valuable natural resources, but also a serious economic and public health problem.

The Resource Conservation and Recovery Act, passed in 1976, gave the Environmental Protection Agency the authority it needs to regulate hazardous wastes and to assure the safe disposal of other residues. Now it is important to move beyond the symptoms and address two principal causes of the solid waste problem: excessive packaging and inadequate use of recycled materials.

The Act requires the EPA to undertake, through an Interagency Resource Conservation Committee, a two-year study of ways to encourage waste reduction, recycling, and resource recovery with financial incentives like solid waste disposal charges, refundable deposits on containers, federal procurement of recycled materials, and excise taxes for litter clean-up. I am asking the Committee to accelerate its study and within six months present to me its first recommendations which are to address the use of solid waste disposal charges (levies on materials and products which reflect the costs associated with their ultimate disposal).

In addition, I am taking several actions to encourage resource conservation within the federal government. In the White House itself, recycled paper will be used wherever practicable as soon as present stocks of paper have been exhausted. I am instructing the Administrator of the General Services Administration and the heads of other appropriate federal agencies to institute a waste paper recycling program wherever practicable by the end of this calendar year. I am also instructing the GSA to revise its paper-product specifications to encourage the purchase of more recycled paper.

PEST MANAGEMENT

For several decades, chemical pesticides have been the foundation of agricultural, public health, and residential pest control. Approximately 1400 different chemicals are used in pesticide products, and some of these, as we have begun to discover, impose an unacceptable risk to our health and our environment.

To improve the safety and effectiveness of pest man-

agement, I am recommending two measures—one a short-term legislative step, and the other a long-term change in the way we approach this problem.

(1) I am asking the Administrator of the Environmental Protection Agency to work with the Congress in enacting an amendment to the Federal Insecticide, Fungicide, and Rodenticide Act which would allow the EPA to regulate directly these 1400 active chemical ingredients, rather than the 40,000 different commercial products which contain them in varying amounts. This change will help speed the registration of safe and desirable pest control compounds, and it will permit swifter revocation of registration for those which pose unwarranted risks.

(2) I am instructing the Council on Environmental Quality, at the conclusion of its ongoing review of integrated pest management in the United States, to recommend actions which the federal government can take to encourage the development and application of pest management techniques which emphasize the use of natural biological controls like predators, pest-specific diseases, pest-resistant plant varieties, and hormones, relying on chemical agents only as needed.

II. Energy and the Environment

In countless ways, our environment is affected by the production, distribution, and use of energy. Some of these—for example, the need to control oil tanker pollution and the need to restrict plutonium technology—I have already discussed in specific messages to the Congress. Others are implicit in my energy proposals, since the act of reversing our present wasteful energy practices will itself have many beneficial consequences for the environment. The transition to renewable energy sources, particularly solar energy, must be made. But it will take time. Meanwhile we should satisfy our energy needs from existing sources, both fossil and nuclear, in a safe and environmentally acceptable way. In particular, my Energy Plan outlined a number of steps this Administration will take to deal with domestic nuclear safety and spent fuel storage: an improved inspection program; mandatory reporting of all mishaps and failures; development of improved siting criteria; a review of the entire licensing process; and a review of the Energy Research and Development Administration's radioactive waste management program. The decisions we make about energy in the next few years will influence the environment of our country for generations.

The Outer Continental Shelf

The oil and gas under federal ownership on the outer continental shelf must be developed in an orderly manner, reconciling the nation's energy needs with the fullest possible protection of the environment.

Amendments to the OCS Lands Act now being considered by the Congress, with provisions proposed by the Administration, will provide important new authority to the Secretary of the Interior. I urge expeditious passage of legislation to regulate the outer continental shelf, and in particular I favor provisions which would:

- Permit full evaluation of the effects of oil production, and cancel leases or terminate operations when harm or damage to the environment outweighs the advantage of continued operations;
- Improve consultation with states and communities to assure that they have a real role in decisions which affect them;
- Require industry to use the best available economically achievable safety and pollution control technology in operations in the outer continental shelf.

In addition to new legislation, certain administrative steps should be taken in this area. The first is to assess the size and scheduling of the OCS program. The Secretary of the Interior has already revised this program through 1978 to reflect reasonable production objectives as well as the various environmental considerations in each OCS region.

As the Secretary now proceeds to reevaluate the longer-term OCS program, I have directed him to work closely with the Governors of affected coastal states to guarantee that proposals for the timing and sequence of offshore lease sales are reasonable, not only in a technological sense but also in economic, social, and environmental respects. Because the Alaskan outer continental shelf is particularly sensitive and controversial, I am directing him to give special emphasis to it. I have also asked him to work closely with the Secretary of Commerce as she identifies potential marine sanctuaries in areas where leasing appears imminent.

To obtain fuller knowledge about the environmental impact of leasing and production, and to increase participation by the states in the process of decision, I have further directed the Secretary of the Interior to:

- Establish an OCS Information Clearinghouse to receive inquiries about federal OCS activity;
- Develop regulations, operating orders, and lease provisions specifying the information required from industry about both the offshore and onshore impacts of prospective development;
- Facilitate cooperative planning among industry, the Interior Department, the Department of Transportation, and the states for lease development, pipeline locations, pipeline standards, and onshore facilities;
- Establish procedures for compliance with the National Environmental Policy Act in connection with development plan approvals.

Because OCS activities should be administered in the most orderly way possible, I am directing the Secretary of the Interior to study carefully the prospect of reorganizing his Department's management of these valuable resources.

He and the Administrator of the Environmental Protection Agency should also coordinate their respective regulatory activities to ensure that exploration and devel-

opment are not delayed by procedural confusion.

COAL

As our nation increasingly turns to coal as a replacement for our dwindling supplies of oil and gas, we must be sure that we will not fall short of the goals we have established to protect human health and the general environment.

Essential to environmentally sound use of coal is the expeditious passage of strong national strip mine legislation. My Administration has submitted to the Congress amendments by which alluvial valley floors, prime agricultural lands, and the mountains and valleys of Appalachia can be protected. These improvements, together with the comprehensive reclamation, administrative and enforcement provisions of the bill, will allow increased reliance on coal without sacrificing the environment. I urge final approval of this legislation in its strongest form. The Department of Interior has already begun preparations to implement the bill when it becomes law.

In the near term the switch to coal must be accomplished with currently available technology. In my Energy Plan I recognized that pollution control technology for direct combustion of coal is not fully adequate and directed that federal research be increased in certain key areas.

In the longer term, we must be sure that technological advances, such as conversion of coal to synthetic fuels, do not create undue environmental and health risks.

Accordingly, I am directing the Administrators of the Energy Research and Development Administration and the Environmental Protection Agency, and the Secretary of Health, Education, and Welfare to establish a joint program to identify the health and environmental effects of each advanced technology that is the subject of federal research and development.

I am also directing the Administrators of the Energy Research and Development Administration and the Environmental Protection Agency jointly to develop procedures for establishing environmental protection standards for all new energy technologies. These procedures should be agreed upon within one year.

Because extensive use of coal requires huge amounts of water, I am directing the Secretary of the Interior to prepare a nationwide evaluation of the water supply needs and availability for development of various energy resources. He should prepare his report in cooperation with the Water Resources Council, the Administrator of the Energy Research and Development Administration, and other federal agencies.

The newly enacted Coal Leasing Amendments and the Federal Land Management and Policy Act provide the Secretary of the Interior with the necessary authority to carry out environmentally sound, comprehensive planning for the public lands. His duty now is to implement an affirmative program for managing coal lands and associated resources in a manner that fully protects the public interest and respects the rights of private surface owners.

To accomplish this, I am directing the Secretary of the Interior to manage the coal leasing program to assure that it can respond to reasonable production goals by leasing only those areas where mining is environmentally acceptable and compatible with other land uses. Specifically:

- The Secretary of the Interior, using environmental reviews, coal assessments, and indications of market interest, should determine which lands are appropriate to offer for lease.
- Land use plans should be completed before a decision to offer specific tracts for sale.
- No tract should be leased unless the Secretary is satisfied that the environmental impact of mining would be acceptable and that the federal government will receive a fair market value for the lease.

In response to concern about the large numbers of nonproducing federal coal leases in the Western states, I am directing the Secretary of the Interior to scrutinize the existing leases (and applications for preference right leases) to determine whether they show prospects for timely development in an environmentally acceptable manner. He should take whatever steps are necessary to deal with nonproducing and environmentally unsatisfactory leases and applications. These may include the following:

- Exchange of environmentally unsatisfactory leases or applications for environmentally acceptable coal lands of equivalent value;
- Reassessment of the basis for granting or denying preference right leases;
- Submission of legislation to authorize the condemnation of outstanding rights upon payment of reasonable compensation, if necessary to prevent environmental damage.

III. The Urban Environment

The National Environmental Policy Act speaks of the need to assure every American safe and healthful surroundings in which to live and work. For many of our citizens in urban areas, this goal is still remote.

Many existing environmental protection programs directly benefit the cities, of course, because that is where most of our pollution problems are. For example, controls on the emission of lead from automobile exhaust are of serious concern to inner-city residents. And as water pollution programs make rivers and streams cleaner, there will be more recreational opportunities in urban areas.

City life need not be a discouraging struggle against adversity; it can be an enriching experience. But it will take more than stopping pollution to make our cities the congenial, liveable places they ought to be.

To halt the degradation of the urban environment and to conserve and develop its rich historic and physical resources, the place to begin is with the neighborhoods

themselves. In the past, wholesale destruction and rebuilding have led to a spurious "renewal" that destroys the sense of human community on which a city's vigor depends. By redirecting the resources of the federal government into neighborhood preservation and conservation, we can begin the work of intelligently restoring our cities. These proposals are part of that program:

• I am directing all federal agencies to assess their programs to ensure that they take advantage of our rich architectural heritage wherever possible, for example by locating federal offices in historic buildings and by supporting projects that are compatible with and contribute to the local cultural and historic environment.

• I have instructed the Secretary of Housing and Urban Development to expand the urban homesteading program by making available more and better-quality houses; by ensuring that adequate rehabilitation assistance is available to participants; and by coordinating the program more closely with other federal, state, and community efforts.

IV. Natural Resources

Protection of this country's natural resources depends in large part on the actions, leadership, and example of the federal government. Too often our water, wetlands, minerals, timber, and other resources have been managed imprudently, in disregard of sound environmental principles. Too often, narrow economic interests have enjoyed undue influence over the use of our public domain. As a result the resources which belong to all our citizens have sometimes been carelessly squandered.

My Administration is committed to a policy of effective stewardship of our public lands and natural resources. That policy includes conservation, multiple use of resources, and a reluctance to disrupt natural ecosystems. At a time when it has become apparent that we can no longer afford the waste and misuse of any natural resources, the need for these steps is clear.

WATER RESOURCES POLICY

One of the pressing domestic issues facing this Administration and this Congress is the establishment of a national water resources management policy.

I believe that it is essential to confine the public works efforts of the water development agencies to projects that can meet such defensible criteria as economic efficiency, safety, environmental protection, and fair distribution of project benefits. I have already recommended to the Congress a number of cost-saving adjustments in our water resource programs. Beyond that, we need comprehensive reform of water resources policy, with water conservation as its cornerstone.

I am therefore directing the Office of Management and Budget, the Council on Environmental Quality, and the Water Resources Council to conduct, in consultation with the Congress and with the public, a review of the present federal water resource policy. I have requested them to complete this joint study within six months and to present me with concrete recommendations for policy coordination and reform.

In addition, as a first step in redirecting present practices, I am today issuing an Executive Order designed to minimize the potential loss of human life and property from floods. This Order directs all appropriate federal agencies to refrain from supporting, funding, or issuing permits and licenses to new construction projects located in floodplains unless the agency determines that no practicable alternative location exists.

WETLANDS

The important ecological function of coastal and inland wetlands is well known to natural scientists. The lasting benefits that society derives from these areas often far exceed the immediate advantage their owners might get from draining or filling them. Their destruction shifts economic and environmental costs to other citizens—often in other states—who have had no voice in the decision to alter them.

We are losing wetlands at the rate of some 300,000 acres per year. While many of the individual developments which have caused this loss may once have been appropriate—and some still may be—we must now protect against the cumulative effects of reducing our total wetlands acreage. For these reasons, I am proposing a concerted federal effort to protect our wetlands. This includes the following steps:

(1) The federal government will no longer subsidize the destruction of wetlands. I am today issuing an Executive Order directing all appropriate federal agencies to refrain from giving financial support to proposed developments in wetlands unless the agency determines that no practicable alternative sites exist.

(2) I support implementation of the Federal Water Pollution Control Act program which regulates the filling and disposal of dredged materials in all U.S. waters or associated wetlands. This important program is essential to wetlands protection, but it should be carried out in a way that avoids undue federal regulation. The present program exempts normal farming, ranching, and forestry practices, and it allows for general permits that do not tie up individuals in unnecessary red tape. These provisions have my support. My forthcoming amendments to the Federal Water Pollution Control Act will include proposals to improve wetlands protection and to authorize the states to assume responsibility for carrying out major portions of this program.

(3) To protect and sustain waterfowl for recreational enjoyment, I am proposing a budget increase of $50 million over the next five years to purchase wetlands, and I have already included in both the FY 1977 and FY 1978 budgets another $10 million for this purpose. I also urge the Congress to enact legislation increasing the price of migratory bird conservation and hunting stamps (the so-called "duck" stamp) so that additional revenue will be available for waterfowl habitat acquisition.

COASTAL BARRIER ISLANDS

Coastal barrier islands are a fragile buffer between the wetlands and the sea. The 189 barrier islands on the Atlantic and Gulf Coasts are an integral part of an ecosystem which helps protect inland areas from flood waves and hurricanes. Many of them are unstable and not suited for development, yet in the past the federal government has subsidized and insured new construction on them. Eventually, we can expect heavy economic losses from this shortsighted policy.

About 68 coastal barrier islands are still unspoiled. Because I believe these remaining natural islands should be protected from unwise development, I am directing the Secretary of the Interior, in consultation with the Secretary of Commerce, the Council on Environmental Quality, and state and local officials of coastal areas, to develop an effective plan for protecting the islands.

His report should include recommendations for action to achieve this purpose.

MARINE SANCTUARIES

Existing legislation allows the Secretary of Commerce to protect certain estuarine and ocean resources from the ill-effects of development by designating marine sanctuaries. Yet only two sanctuaries have been established since 1972, when the program began.

I am, therefore, instructing the Secretary of Commerce to identify possible sanctuaries in areas where development appears imminent, and to begin collecting the data necessary to designate them as such under the law.

MINING

For more than a century, the development of hardrock minerals on the public lands has been governed by the Mining Law of 1872. This law once served an important purpose: encouraging settlement of the West and rapid development of mineral wealth there. But it is now outdated and inadequate. It fails to set forth clear authority for establishing environmental standards, and in some cases has allowed mining operations to degrade the water, soil, and air. It ignores the need for balanced management of resources and it has permitted the public's mineral resources to be developed without any royalty return to the federal treasury.

Therefore I am today instructing the Secretary of the Interior to prepare, for submission to the Congress, legislation to replace the Mining Law of 1872 with one more suited to contemporary needs. Among its provisions should be these: (1) a leasing system for publicly owned hardrock minerals; (2) explicit federal discretionary authority over mineral exploration and development on the public lands; (3) strict standards for environmental protection and for reclamation of mined areas; (4) a requirement for approval of operation and reclamation plans before mining can begin; (5) royalties for use of public lands and mineral resources; and (6) the integration of mining into land use plans being developed for the public lands.

FOREST MANAGEMENT

Since the passage in recent years of landmark legislation—the Forest and Rangelands Renewable Resources Planning Act, and the National Forest Management Act—the greatest challenge remaining to American forestry is to improve the condition and production of small private forest holdings. Various federal programs have, in the past, encouraged better management of these 296 million acres, which account for three-fifths of America's total productive forests. Now it is time to consider whether they are accomplishing their purpose.

Consequently, I am asking the Secretary of Agriculture to undertake a comprehensive study of the Cooperative Forestry Program. This study should consider the need for measures to:

- Assure that forestry programs support national environmental goals;
- Assure that assistance to non-federal forest owners will emphasize interdisciplinary planning and multiple use management;
- Improve the capability of private forest lands to meet the nation's need for wood;
- Prevent and control pollution, fires, and insects and diseases that damage forests, using environmentally sound methods, such as biological pest controls;
- Improve and maintain fish and wildlife habitats, particularly those that are critical for threatened and endangered species;
- Strengthen planning and management capabilities of state and local forestry agencies.

The study should also examine the desirability of providing financial assistance to state forestry agencies on the basis of state forestry plans rather than through the present fragmented approach.

OFF-ROAD VEHICLES

While off-road vehicles provide enjoyment and recreation for many, their indiscriminate use poses a threat to our public lands. Uncontrolled, they have ruined fragile soils, harassed wildlife, and damaged unique archaeological sites.

In 1972, federal agencies began to control the use of such vehicles on the public lands under Executive Order 11644. While these regulations have achieved some measure of protection for the soil, vegetation, and other values of the public lands, environmental damage has continued in certain areas. Accordingly, I am today amending this Executive Order to exclude off-road vehicles from certain portions of the public lands where their use has caused (or seems likely to cause) considerable environmental damage.

V. The National Heritage

In its land and its history, a nation finds the things which give it continuity. By preserving places that have special natural, historical, cultural, and scientific value, we can ensure that our children and grandchildren have

a chance to know something of the America that we—and our ancestors—simply took for granted.

More than 300 such places have already been set aside in our National Park System. I have already demonstrated my support for the National Park Service by submitting to the Congress an accelerated, five-year, $759 million program to develop new and existing parklands, and to increase the park staff so that these irreplaceable resources can be better protected and seen by more visitors.

This step, though clearly needed, must be supported by a thorough re-examination of existing federal programs dealing with our natural and historic heritage. These have proliferated in a way that serves neither efficiency nor effectiveness, and they have sometimes impeded the preservationist efforts of states and private citizens. I believe we should establish a comprehensive federal program, to be known as the National Heritage Trust, to identify, acquire, and protect these resources; to provide for rapid acquisition of the most significant and endangered areas and examples of natural ecosystems; to protect areas already within federal jurisdiction; and to coordinate federal programs within states and private citizens more effectively. I have directed the Secretary of the Interior to develop a National Heritage Trust proposal within 120 days.

ALASKA

While my National Heritage Trust proposal will focus on small but important areas, the Congress now has an opportunity of historic dimensions to conserve large unspoiled sections of the American wilderness in Alaska. Under the terms of the Alaska Native Claims Act, the Congress is to consider designation of major additions to the National Park, Forest, Wildlife Refuge, and Wild and Scenic River Systems. We can double the size of the Wildlife Refuge and the Park Systems, as well as add to the Forest and Wild and Scenic River Systems, at no acquisition cost. No conservation action the 95th Congress could take would have more lasting value than this. But if Congress fails to act by December 1978, the opportunity will be automatically lost. In the near future, my Administration will submit detailed recommendations for these Alaskan lands.

WILDERNESS

When the Congress passed the Wilderness Act in 1964, it established a landmark of American conservation policy. The National Wilderness Preservation System created by this Act must be expanded promptly, before the most deserving areas of federal lands are opened to other uses and lost to wilderness forever. I endorse, and in some cases am proposing to expand, all of the more than 24 million acres of wilderness proposals submitted to the Congress by previous Administrations.

Among the proposed areas I will recommend to enlarge are the following:

—Idaho and Salmon River Breaks Wilderness, Idaho;
—Guadalupe Escarpment Wilderness, New Mexico and Texas;
—Beartooth—Absaroka Wilderness, Montana and Wyoming;
—Grand Canyon National Park, Arizona;
—Kenai Moose Range, Alaska.

I am submitting new wilderness proposals for:

—Arches National Park, Utah;
—Canyon Lands National Park, Utah;
—Capitol Reef National Park, Utah;
—Buffalo National River, Arkansas.

I will soon submit a proposal to designate as wilderness portions of Gulf Island National Seashore in Mississippi and Florida, and I will give early attention to other wilderness proposals, including portions of the Oregon Dunes National Recreation Area, Oregon, and Aravaipa Canyon, Arizona, which would be the first wilderness area on Bureau of Land Management lands. In addition, I support the objectives of the Endangered Wilderness legislation now pending before Congress. Members of my Administration have recently testified in favor of immediate wilderness designation or protective study designation for all areas in this bill.

I recognize the special need to preserve wilderness east of the Rockies and in Alaska, and I am directing that federal agencies expedite the preparation of wilderness proposals for these areas.

Finally, I have directed the Secretary of the Interior to initiate a vigorous wilderness program for the Bureau of Land Management under the new Federal Land Management and Policy Act of 1976.

WILD AND SCENIC RIVERS

To date only 19 free-flowing rivers, totalling 1,655 miles, have been designated as part of the National Wild and Scenic Rivers System. Another 31 rivers have been identified as worthy of study for designation in the future.

We must identify as quickly as possible the best remaining candidates for inclusion in the Wild and Scenic Rivers System before they are dammed, channelized, or damaged by unwise development along their banks. As a first step, therefore, I am proposing legislation to add segments of eight rivers, totalling 1,303 miles, to the system:

—Bruneau River, Idaho;
—Pere Marquette River, Michigan;
—Dolores River, Colorado;
—Rio Grande River, Texas;
—Salmon River, Idaho;
—Skagit River, Washington;
—Upper Delaware River, Pennsylvania and New York;
—Upper Mississippi River, Minnesota.

I further propose to designate twenty river segments for study as potential additions to the National Wild and Scenic Rivers System:

—Gila River, New Mexico;
—Green River, Utah;
—Illinois River, Arkansas;
—North Fork of the Kern River, California;
—Shenandoah River, Virginia and West Virginia;
—Sweetwater River, Wyoming;
—Cacapon River, West Virginia;
—Columbia River, Washington;
—Guadalupe River, Texas;
—John Day River, Oregon;
—Loxahatchee River, Florida;
—Niobrara River, Nebraska;
—Tangipahoa River, Louisiana and Mississippi;
—Yellowstone River, Wyoming and Montana;
—Ogeechee River, Georgia;
—Salt River, Arizona;
—Wenatchee River, Washington;
—Gulkana River, Alaska;
—Delta River, Alaska;
—Madison River, Montana.

I am also transmitting to the Congress reports on the Gasconade River in Missouri and the Penobscot River in Maine. After thorough study, both of these rivers have been found to qualify for inclusion in the National System with the recommendation that they be administered by the states. I am pleased at the number of states taking positive action to protect their natural resources and assure them that any proposals to add State-administered rivers to the National System will be sympathetically considered by the Secretary of the Interior.

I am also submitting legislation to the Congress to withdraw authority for future construction of the Cross-Florida Barge Canal, to extend the boundaries of the Ocala National Forest to protect the Oklawaha River, and to authorize study of the Oklawaha River for possible designation as a Wild and Scenic River. Enactment of this legislation will put an end to the long controversy over this ill-advised project. I am also directing the Secretary of Agriculture, the Secretary of the Army, and other appropriate federal agencies, in cooperation with the State of Florida, to recommend ways to dispose of canal lands and structures, as well as ways to restore the Oklawaha River portion of the project area.

NATIONAL TRAILS

In 1968 Congress passed the National Trails System Act, the purpose of which was to designate and preserve a national system of recreational and scenic trails. Nine years later only two have been designated: the Appalachian Trail and the Pacific Coast Trail. Other unprotected trails on public lands have in the meantime become unusable. In some areas almost half the once-available trail mileage has been lost.

To restore and broaden the National Trails System, I am submitting legislation to designate three new Scenic Trails:

—a Continental Divide Scenic Trail of 3100 miles along the Rocky Mountains crest from Canada to Mexico;
—a North Country Scenic Trail of 3200 miles from eastern New York to North Dakota; and
—a Potomac Heritage Scenic Trail of 847 miles along the Potomac River from Chesapeake Bay to West Virginia and Pennsylvania.

In the near future I will also submit legislation to amend the National Trails System Act by adding a new category—Historic Trails—and I will give early attention to submitting trails in this new category.

WILDLIFE

When explorers and settlers from Europe first came to America, they were astonished at the richness and variety of wildlife in our lands and waters. Faced with such abundance, for years most Americans have valued only game species of wildlife. Our allocation of federal funds for wildlife research and management still reflects this outdated view. Ninety-seven out of every hundred federal wildlife dollars are devoted to the less than one percent of vertebrate species that are hunted or fished for commerce or sport. To the rest, little attention has been given, even though they are part of the biological system that sustains us. To correct this imbalance, I am directing the Secretary of the Interior (1) to encourage states to apply existing federal-aid funds to the management of all species of wildlife, and (2) to propose other measures to improve the conservation of nongame wildlife.

Our Nation's public lands and waters support a rich wildlife resource which we hold in trust for all Americans, now and in the future. My Administration will assure that this public trust—for all wildlife—is adequately and effectively executed.

The public's interest in wildlife specifically includes predators, which have in the past sometimes been regarded as competitors for livestock or game, leading to their destruction (and in the case of some large predator species, to their extermination). Because we now realize the importance of the role that predators play in various ecosystems, our goal should be not to destroy them but to reduce the occasion for their conflict with livestock. My Administration will continue to support the existing Executive Order which prohibits the routine use of poisons for killing predators on the public lands. If control is necessary, it should focus on the individual predators causing the problem—not the species as a whole.

Many land and water development projects cause extensive damage to fish and wildlife habitat. My Administration will ensure timely implementation of the mitigation features required by the Fish and Wildlife Coordination Act to make up for such losses. Furthermore, to hasten the protection of threatened and endangered species, I am directing the Secretaries of Commerce and Interior to coordinate a government-wide effort, as required by the

Endangered Species Act of 1973, to identify all habitat under Federal jurisdiction or control that is critical to the survival and recovery of these species. The purpose of this program is to avoid the possibility that such habitats will be identified too late to affect federal project planning. Major projects now underway that are found to pose a serious threat to endangered species should be reassessed on a case-by-case basis.

In the past 150 years, hundreds of foreign wildlife species, both plant and animal, have been introduced into the natural ecosystems of the United States. Many of these have been highly detrimental to public health, agriculture, and native wildlife.

Consequently, I am today issuing an Executive Order restricting the introduction of exotic animals and plants into the United States and prohibiting their establishment on lands and waters managed by the federal government. In addition, I am directing the Secretaries of Agriculture and the Interior to develop further legislation to deal with the importation of exotic species.

The many laws which have recently been enacted to conserve our Nation's wildlife pose the risk of creating a confusing system of overlapping and conflicting requirements. Therefore, I am directing the Council on Environmental Quality to consult with the states and executive agencies and report to me in six months on the steps that should be taken to simplify, coordinate, and codify the body of law affecting wildlife conservation.

Finally, I have asked the Congress to increase the 1978 Fish and Wildlife Service Budget by $23 million for environmental research, migratory bird protection, and aid to the states for endangered species. Because the maintenance and staffing of our national system of wildlife refuges has been sadly neglected for the past decade, I have also proposed a budget increase of $295 million for rehabilitation, habitat improvement, and development of this system during the next five years.

REDWOOD NATIONAL PARK

Congress created Redwood National Park in 1968 to protect a magnificent stand of the world's tallest trees. Subsequently, however, logging and roadbuilding on adjacent private land have created severe erosion problems in the Redwood Creek Watershed. My Administration has proposed to the Congress that 48,000 carefully chosen acres be added to the Park, allowing us to protect existing parklands and to add to the Park additional stands of redwoods. This proposal would also provide for rehabilitation of the Redwood Creek Watershed.

Recognizing that further expansion of the Park might adversely affect the economies of nearby communities, I have directed the Secretaries of Commerce and Labor to develop a joint program to cushion the effects of temporary unemployment in the Redwood National Park area.

VI. The Global Environment

Environmental problems do not stop at national boundaries. In the past decade we and other nations have come to recognize the urgency of international efforts to protect our common environment.

As part of this process, I am directing the Council on Environmental Quality and the Department of State, working in cooperation with the Environmental Protection Agency, the National Science Foundation, the National Oceanic and Atmospheric Administration, and other appropriate agencies, to make a one-year study of the probable changes in the world's population, natural resources, and environment through the end of the century. This study will serve as the foundation of our longer-term planning. I am also asking the Council on Environmental Quality, with the cooperation of the Department of State, to ensure that we achieve the best possible coordination of the international environmental programs within the Executive Branch.

WORLD POPULATION

Rapid population growth is a major environmental problem of world dimensions. World population increased from three to four billion in the last 15 years, substantially cancelling out expansion in world food production and economic growth of the same period.

Without controlling the growth of population, the prospects for enough food, shelter, and other basic needs for all the world's people are dim. Where existence is already poor and precarious, efforts to obtain the necessities of life often degrade the environment for generations to come.

It is, of course, up to each nation to determine its own policies, but we are prepared to respond promptly and fully to all requests for assistance in population and health care programs. At my direction, the Department of State and the Agency for International Development stand ready to cooperate through international organizations, through private voluntary organizations, or through direct contacts with other governments.

ENVIRONMENTAL CONSIDERATIONS IN ECONOMIC DEVELOPMENT ASSISTANCE

Whether to try to prevent or undo environmental damage is a decision each country must make for itself. But I am convinced that in the long run, development programs that are environmentally sound will yield the most economic benefits. To encourage the adoption of such programs, I have taken these steps:

(1) I have instructed the Secretary of State, the Administrator of AID, and other concerned federal agencies to ensure full consideration of the environmental soundness of development projects under review for possible assistance.

(2) I have asked the Administrator of AID to make available to developing countries assistance in environment and natural resources management. Such assist-

ance could help developing countries design environmentally sound projects, regardless of the source of funding for a particular project.

INTERNATIONAL ENVIRONMENTAL AGREEMENTS

A number of federal agencies, under the guidance of the Council on Environmental Quality, are engaged in international conservation activity. I am directing my Administration to expand this effort, giving particular attention to the following areas:

(1) *The Endangered Species Convention* is now in effect. The next step is to implement the treaty effectively. The United States has begun efforts to prohibit trade in endangered species of plants and animals, and will encourage similar steps by other nations.

(2) Pursuant to the *Antarctic Treaty*, I am today submitting legislation to Congress to provide for special protection of the flora and fauna of Antarctica. Because this remote, unpopulated region greatly influences the stability of the entire earth's oceans and atmosphere, its unique environment must be preserved.

(3) *The Convention for Nature Protection and Wildlife Preservation in the Western Hemisphere* was signed by Franklin D. Roosevelt in 1940, but has yet to be carried out fully and systematically. I propose to the countries of the Americas that we now implement this Convention through the offices of the Organization of American States. I urge the development of a Pan-American Migratory Species Treaty, and the convening of an Inter-American Conference on the Management of Western Hemisphere Renewable Natural Resources. The United States has already offered to host the Conference.

(4) I soon will send to the Senate for ratification the *Treaty for the Conservation of Migratory Birds and Their Environment*, which we signed with the Soviet Union last November. This treaty—and the legislation I will submit to implement it—will establish new authority to conserve the habitat necessary to the survival of these birds.

SAVING THE WHALES

Sharing the worldwide public concern about the condition of marine mammals, especially whales, I have directed the Secretary of Commerce, with the foreign policy guidance of the Secretary of State to:

- Prohibit commercial whaling within our 200-mile fishery zone;
- Pursue negotiations within the International Whaling Commission for a stronger international conservation regime for whales and other cetaceans, affording protection for them throughout their range;
- Maintain firm U.S. support for a ten-year worldwide moratorium on the commercial killing of whales; and
- Report to me within 60 days any actions by other countries that have diminished the effectiveness of the International Whaling Commission's conservation program.

VII. IMPROVING GOVERNMENT

The foregoing proposals, along with others which will follow in the coming years, constitute the most far-reaching environmental program ever put forward by any administration. My support for them is resolute, and it is personal. But belief in these goals does not necessarily mean uncritical belief in the federal government's present methods for achieving them. In the past, our environmental policies have not always used the most practical tools, nor the least costly; they have sometimes imposed burdensome bureaucratic regulations where economic incentives could have done the job as well; and they have occasionally ignored the need for different solutions in different areas of our diverse country. There is room for improvement.

1. *Implementation of the National Environmental Policy Act*

This Act is best known for requiring federal agencies to prepare environmental impact statements before taking actions having significant environmental effects. In the seven years since its passage, it has had a dramatic—and beneficial—influence on the way new projects are planned. But to be more useful to decision-makers and the public, environmental impact statements must be concise, readable, and based upon competent professional analysis. They must reflect a concern with quality, not quantity. We do not want impact statements that are measured by the inch or weighed by the pound.

Accordingly, I am today issuing an Executive Order directing the Council on Environmental Quality to issue regulations requiring all federal agencies to meet these criteria and the provisions of Section 102(2) of the National Environmental Policy Act in the impact statements they prepare and to establish a procedure for referring to the Council differences among agencies concerning implementation of the National Environmental Policy Act.

2. *Coordination within the Federal Government*

Various programs within the Environmental Protection Agency provide funds to state and local government for planning, training, monitoring, enforcement, and research in pollution control. They are presently authorized under different pieces of legislation, funded by different offices within the agency, and entail different procedures for allocation of their funds. In the near future I will submit legislation to the Congress designed to bring these programs together into one comprehensive environmental grant program.

The problem of uncoordinated policy is, unfortunately, not confined to any single federal agency. Today, before any federal agency can construct a new project, or grant funds to local or state governments, or issue a permit to a private party, it must comply with more than a score of different environmental review requirements. I have directed the Council on Environmental Quality to examine the present federal environmental review requirements and to recommend specific measures, including legislation, to clarify and integrate them in a way compatible with

my broader proposals for governmental reorganization.

I am also directing the Council on Environmental Quality to establish an interagency task force to review present environmental monitoring and data programs, and to recommend improvements that would make these programs more effective.

3. *Relations with Local Governments, Industry and the Public*

My Administration will, in a variety of ways, move to simplify the delivery of federal programs and encourage a greater degree of local control. There are almost five hundred separate federal programs, most of which have separate planning requirements, providing tens of billions of dollars in assistance to state and local government. My Administration will support measures to bring these programs under a consistent, comprehensive policy, and to give state and local areas more influence over federal actions which affect them.

My Administration will also promote better cooperation between government and industry to solve some of our serious remaining pollution problems. I have directed the Administrator of the Environmental Protection Agency to meet with representatives of major industrial groups and develop a joint government-industry research program for unsolved pollution problems.

Finally, my Administration will support efforts to lower the barriers, financial and otherwise, against active public involvement in decisions that affect the quality of the environment. The surest way to sustain our environmental laws is to encourage citizens to hold the government accountable for enforcing and obeying them.

JIMMY CARTER

The White House,
May 23, 1977.

May 23, 1977

FACT SHEET

THE PRESIDENT'S ENVIRONMENTAL MESSAGE

The President today submitted to the Congress a comprehensive Message on the Environment. The Message includes over a dozen new legislative initiatives or commitments to submit future legislation, five executive orders, and a wide variety of policy statements and directives to federal agencies.

In the Message the President stressed that environmental issues are broad in scope, encompassing the workplace and the urban environment, as well as conventional concerns about pollution, wilderness, and wildlife. He also stated his belief that environmental protection is "consistent with a sound economy" and has created -- and will continue to create -- many more jobs than it costs. The President praised the Congress for the major environmental legislation enacted over the past seven years and he pledged the Executive Branch to sensitive administration and energetic enforcement of these laws, many of which have yet to be fully implemented. He observed that environmental protection is no longer just a legislative job, and promised that it would receive "firm and unsparing support" from the Executive Branch.

The Message covers a number of major themes: controlling pollution and protecting the public health; energy and the environment; the urban environment; protecting natural resources; preserving our national heritage; the global environment; and making environmental laws work more effectively.

I. POLLUTION AND HEALTH

A. Toxic Chemicals

The Message emphasizes the importance the President places on preventing harmful impacts on human health and the environment from the production and use of hazardous chemicals. The President therefore calls for:

- close coordination in the implementation of the numerous federal programs that control toxic and cancer-causing chemicals

- emphasis on the effective implementation of the Toxic Substances Control Act

1. Coordination of federal toxic chemical control programs

There are now at least a dozen federal statutes implemented by seven different agencies, which address in various ways the problems of harmful chemicals. Major statutes in addition to the Toxic Substances Control Act include the Occupational Safety and Health Act, the Clean Air Act, the Federal Water Pollution Control Act, the Safe Drinking Water Act, the Federal Food, Drug, and Cosmetics Act, the Federal Environmental Pesticide Control Act, the Resource Conservation and Recovery Act, and the Consumer Product Safety Act. It is essential that these authorities be administered in an efficient and complementary fashion. The President has directed the Council on Environmental Quality (CEQ) to lead an interagency effort to design a coordinated federal strategy to

- eliminate overlaps and omissions in information collection and analysis

- coordinate research and regulatory priorities

- emphasize prevention of problems before they occur

- ensure that regulations are effective, necessary, and mutually compatible and otherwise enhance coherent implementation of these laws

2. Effective implementation of TSCA

The Toxic Substances Control Act provides the Environmental Protection Agency (EPA) with comprehensive authority to

- control the production, distribution, or use of any chemical substance that may pose an unreasonable risk of injury to health or the environment

- provide access to information for assessment of potential problems

- require premarket notification for new chemical compounds or new uses

- require selective testing of new chemical compounds or new uses to determine conditions of safe use

It enables the government, for the first time, to obtain enough information to categorize substances and their uses according to potential environmental and health concerns and to set priorities for their control.

The President emphasized the importance of preventing hazardous pollutant problems rather than reacting to them after the fact. His Fiscal Year 1978 budget provides nearly $29 million for this program, compared with $7.4 million in Fiscal Year 1977.

3. Controlling toxics from industrial effluents

The 1972 Amendments to the Water Pollution Control Act called for industries to employ the "best practicable technology" (BPT) by 1977 and "best available technology" (BAT) by 1983 to control the discharge of water pollutants. EPA's initial BPT guidelines dealt primarily with the traditional sanitary pollutants such as biological oxygen demand and total suspended solids. The President's Message placed as a highest priority the development of BAT which establish effluent limitations on toxic pollutants and the incorporation of these limitations into permits restricting the amount of pollution individual industries can discharge.

4. Amending Section 307(a) of the FWPCA

Section 307(a) of the Federal Water Pollution Control Act (FWPCA) established a process for EPA to set effluent standards for toxic pollutants. However, in practice implementing this section has been found to be slow and cumbersome, so that only six toxic effluent limitations have been established. While accelerating the control of toxics through incorporating limitations on the most serious known toxics into the existing permit system, the President has also instructed EPA to prepare amendments to the FWPCA which will make Section 307 (a) a more effective tool to respond quickly to new problems that are discovered.

5. Drinking Water Standards

The Safe Drinking Water Act of 1974 requires EPA to issue national standards for drinking water supplies to protect people's health and welfare. Recently, there has been

increasing evidence that chlorinated hydrocarbons found in drinking water supplies -- some of them possibly created in the process of purifying the water -- may be cancer-causing. The President has instructed EPA to develop as soon as feasible, standards to control such carcinogens as well as other toxic pollutants.

B. The Workplace

The Administration is committed to improving health protection in the workplace environment.

1. Effective federal occupational health standards

Since enactment of the Occupational Safety and Health Act in 1970, only four sets of complete occupational health standards have been promulgated. The Administration will give the development and enforcement of such standards high priority. OSHA now has before it more than 60 recommendations from the National Institute for Occupational Safety and Health for occupational health standards. OSHA will act expeditiously on these health standards recommendations while refraining from the burdensome and unnecessary regulations that in the past too often characterized its approach to safety standards.

2. Strengthening the Coal Mine Health and Safety Act of the Metallic and Nonmetallic Mine Safety Act

The President pledged that his Administration will continue to work with Congress to strengthen these two Acts and will take administrative steps to improve standard-setting, enforcement, and penalty collection.

3. Compensation for occupationally-induced diseases

The Administration will explore and develop proposals to complement the standard setting approach to occupational health. These include measures that might be taken, at appropriate levels of government, to assure fair and adequate compensation for workers who suffer job-related diseases.

C. Air Pollution

The air pollution section of the Message summarizes the Administration's position on the proposed amendments to the Clean Air Act. These were announced by Administrator Costle on April 18 and are explained in the fact sheets released at that time (available from EPA).

D. Water Quality

1. Municipal waste water treatment

In the 1972 Amendments to the Federal Water Pollution Control Act $18 billion was authorized to help support the construction of publicly owned waste water collection and treatment systems. Thirteen billion dollars of this had been obligated through March, and the remainder has to be obligated by the end of September 1977. Some states have already effectively used up their available funds, while other states are having trouble obligating all of their money by the September deadline. In his budget, the President requested $45 billion in additional long-term funding for the program over 10 years. He also requested an extension of the September deadline for the existing authorization to help those states which were behind in their obligations.

Having already made efforts to ensure that the municipal grants program continues without interruption, the President sets forth a series of objectives which will help ensure that the program is carried out so as to accomplish the goals of the water pollution control program efficiently and effectively. These objectives include taking care in the project design that a facility built for the purpose of water pollution. control does not cause air pollution or solid waste problems (primarily a problem that can arise in disposing of the pollutants that are removed from the waste water), and that every advantage is taken of opportunities to conserve water. The facility planning should also explore all feasible alternative treatment systems in order to assure that the final design represents the most cost effective solution to the problem. This is particularly a problem in smaller communities where there are various feasible alternative solutions, and where traditional capital intensive collection and treatment systems impose a particularly large cost burden on the community.

The President also emphasized the need to ensure that the projects are operated properly once they are built. Various studies have indicated that one-fourth to one-half of municipal systems are not operating up to design standards. The President also stressed the importance of effective pretreatment programs, which require industries to remove harmful wastes from their effluent before disposing of it in a municipal sewer.

2. Areawide water quality management

Section 208 of the Federal Water Pollution Control Act calls for the preparation of comprehensive plans for controlling water pollution from point and nonpoint sources. One hundred and seventy-six agencies have been designated to complete such plans, and state agencies are completing plans in areas where a local agency has not been designated. In a supplemental budget request, the President increased the funds available this year for 208 planning by $69 million, which exhausts the existing authorization of funds for this purpose. In his Environmental Message the President reemphasized the importance of the state and local planning efforts to the continued progress of the water pollution control program, and has stressed the importance of expeditiously completing and implementing effective 208 plans.

E. Solid Waste

This section of the Message focuses on actions important to the successful implementation of the Resource Conservation and Recovery Act (P.L. 94-580), passed in the closing days of the 94th Congress. This legislation has the broad support of industry, environmentalists, government and the public. These actions include:

- support and emphasis for the important work being done by the interagency Resource Conservation Committee
- use of recycled paper in the White House
- implementation of a permanent recycled products procurement program and source separation program in federal offices

1. Resource Conservation Committee

As established by the Resource Conservation and Recovery Act, the purpose of this Cabinet-level interagency committee is to assess the appropriateness and feasibility of a range of resource conservation and recovery policies and incentives. Because of the President's commitment to these principles and to the potential of financial incentives to assist in the clean-up and protection of the environment, he has specifically directed this committee to focus initially on the area of solid waste disposal charges and, within 6 months, to come up with recommendations and proposals regarding the use of such charges to stimulate waste reduction, recycling and resource recovery. These charges,

which were recommended by the National Commission on Supplies and Shortages and have been under study for several years, would place levies on materials and products in an amount calculated to reflect the costs associated with the ultimate disposal of such materials. Such a charge would serve to discourage the excessive consumption of materials, would stimulate increased recycling, and would reduce the substantial solid waste disposal costs being experienced by local governments.

2. Procurement of recycled paper and source separation

The President indicated his strong interest in resource conservation and recycling when he had the invitations to the inauguration printed on recycled paper. He will arrange with GSA to procure recycled paper for use wherever appropriate in the White House, as soon as current stocks of paper are exhausted. He is also directing the General Services Administration to expedite those provisions of the Resource Conservation and Recovery Act dealing with procurement of products containing recycled materials, including the purchase of recycled printing and writing paper for federal offices supplied by GSA.

Last spring EPA published guidelines mandating the recovery of all white paper generated in federal government office buildings through a simple desk top recovery system. In those few federal offices where the program has been implemented, the Denver federal regional office and EPA headquarters, the reduction in total paper waste has been between 30 and 50 percent. When fully implemented this program should save the taxpayer between $7 and $12 million per year as well as conserve some 15.3 to 16.1 million BTU's of energy per year (the equivalent of 7600 to 8000 barrels of oil per day). The President is directing implementation of this program in as many federal offices as feasible by the end of the year.

F. Pest Management

The Message establishes two priorities for federal programs to foster the development of safer and more efficient pest control technologies. Meausres will be taken to:

- speed the review and registration of chemical pest control agents
- encourage the development and use of promising new integrated pest management (IPM) options

1. Registration of chemical pest control agents

The President has asked EPA to work with the Congress to develop an amendment to the Federal Insecticide, Fungicide and Rodenticide Act to change the focus of EPA regulations from product-by-product registration of the 40-50,000 formulated products to registration of the 1400 basic active chemical ingredients in these products. Such an amendment will allow a more effective analysis of the benefits and risks of pesticide compounds to society, speeding the registration of desirable pest control products and the revocation of registration for those which pose unwarranted risks.

2. Encouraging the development and use of new integrated pest management options

Although for several decades chemical pesticides have formed the foundation of agricultural, public health, and residential pest control, alternative pest control methods need to be developed. Increased pest resistance is limiting the effectiveness of several chemicals, production of the chemicals is a petroleum based technology subject to the same uncertainties as fertilizers and other fossil fuel derivatives, and some of the chemicals used in formulated pesticide products pose health or environmental problems.

The federal government has taken major steps in recent years to foster research, educational and regulatory programs aimed at developing safer and more efficient pest control approaches. The goal is an integrated approach that takes advantage of natural, biological and environmental controls such as breeding of pest resisting plant varieties, release of natural predators, and development of pest-specific diseases and hormones. Known as integrated pest management, this approach is designed to insure economical, stable, and environmentally sound pest control over the long term.

The Council on Environmental Quality is conducting an analysis of the national status and needs of IPM focusing on its application in the broadest sense (including pest control in agriculture, forestry, urban areas, public health, domesticated animals and households and other man-made structures). The President has asked CEQ to recommend initiatives and actions, based on its study, to encourage the development and application of IPM techniques.

II. ENERGY AND THE ENVIRONMENT

A. The Outer Continental Shelf

1. OCS Lands Act

New legislation controlling exploration and production of oil and gas on the outer continental shelf is important for meeting the President's energy and environmental objectives. For nearly 25 years the Outer Continental Shelf Lands Act of 1953 has governed the leasing and development of the offshore oil and gas under federal control.

The OCS Lands Act, as interpreted with the National Environmental Policy Act of 1970, proved flexible enough to permit many necessary changes in response to changing OCS operating conditions. However, as OCS development moves into new higher-risk areas, the old law is no longer adequate.

The law makes no provision for

- a pause between exploration and development, after oil and gas are actually discovered, to evaluate how and whether development should proceed
- cancellation of leases, and compensation to the lease holder in situations of unaccpetable environmental risk
- full delineation of the role and authority of states in OCS decisionmaking
- adequate collection and sharing of information for the benefit of states, affected communities and the public
- a comprehensive program for OCS leasing that meshes consideration of environmental risk, environmental knowledge, and conservation of resources for the future, together with anticipated needs for the resource.

Two principal bills, S.9 and H.R.1614, now before the Congress, provide for these and other major improvements in the OCS law. The President strongly supports the sound approach and basic purposes of these bills. The Secretary of the Interior is now working with the responsible committees of both houses of Congress on technical amendments.

2. OCS leasing schedule

Without waiting for requirements for a comprehensive leasing program to become law, at the President's direction, the Secretary of the Interior is undertaking a major review of the present lease planning schedule. The Administration is particularly concerned with the Alaska OCS, where environmental values are unsurpassed, risks are high, and the estimated energy resource is large, but the difficulties of delivering it to parts of the country that need oil are considerable.

3. Improved OCS information and planning

The President has also directed the Secretary of the Interior to make an early start on providing access to OCS-related information that is scattered among many government agencies and nongovernment sources as well. A central clearinghouse can help states and other interested parties find their way to the data they need. The clearinghouse will itself contain certain data, but it will also maintain up-to-date inventories of data in other places, and will direct inquiries to contact points in other agencies.

In addition to making information more widely available through the clearinghouse the Administration also intends to make sure that the data required by regulation from industry is as complete as possible.

Production from the OCS frontier areas will require extensive new onshore facilities, pipeline corridors, and other development to support the actual offshore operations. Planning for this development falls within the responsibility of several federal agencies: the Department of the Interior for lease, development and regulation; the Department of Transportation for pipeline regulation; and the Department of Commerce for coastal zone management. The various states and localities will have primary planning responsibility for facility siting, and the oil and gas industry of course must develop the means for meeting the numerous requirements for producing oil and gas and bringing it ashore. It is essential that all appropriate steps be taken to assure the orderly flow of information and plans among the various parties. The Secretary of the Interior is to take whatever steps are necessary to assure that this coordination takes place prior to approval of offshore development.

The current system for preparation of environmental impact statements for the OCS may not be the best way to meet the planning and information needs of state and local governments, the public, and the responsible federal agencies, particularly at the development plan approval stage after exploration. The

Department of the Interior will develop revised procedures to assure these needs are met in the best way possible.

The Department of the Interior has the primary responsibility to regulate offshore operations for conservation of resources, environmental protection and human safety. EPA exercises responsibility under the Federal Water Pollution Control Act to control discharges from certain OCS facilities. In the past there has been disagreement as to which facilities are covered and the types of standards required. This could delay development and result in an inadequate regulatory program. The President is directing the Secretary of the Interior and the Administrator of EPA to take steps immediately to reconcile any outstanding issues and to jointly agree on the necessary uniform regulations.

The President also directed the Secretary to study the organization for OCS responsibility in the Department. Major responsibility is now divided between two bureaus, the Geological Survey and the Bureau of Land Management, with additional minor responsibilities parcelled out to other government entities. The Secretary will determine what coordination problems there have been in the past, whether the present system works and is responsive to the public, and how responsibility for OCS affairs should be better organized and structured.

B. Coal

In order to realize coal's potential to supply our national energy needs we must overcome a number of major environmental problems. The President's Energy Plan included measures to shift industries and utilities to the use of coal in greater quantities. At the same time, he recognized that accelerated and increased use of coal must be accompanied a strong commitment to environmental protection.

1. Stripmining legislation

The President reiterated his support for passage of strong national stripmining legislation.

2. Health and environmental effects

Coal conversion technologies (e.g., gasification, liquefaction) and other new energy technologies can produce numerous substances unacceptably harmful to health and the environment.

For instance, bioassay experiments and epidemiological studies conducted in connection with early projects to make synthetic fuels from coal indicate the presence of carcinogens and other hazardous substances. Existing information characterizing the various coal conversion technologies is much too limited to make judgments about their acceptability or to establish regulatory standards. This serious problem requires the immediate attention of the Administrators of both the Environmental Protection Agency and the Energy Research and Development Administration, as well as the Secretary of the Department of Health, Education and Welfare.

The President is directing the heads of these agencies to immediately institute a detailed, ongoing joint program to review the health and environmental problems associated with advanced energy technologies and the adequacy of the present environmental research program. Along with this review, the Administrators of the Environmental Protection Agency and the Energy Research and Development Administration have been directed to establish procedures for developing environmental standards for these new technologies. It is essential that both health and environmental research and the needed controls be in process well before the time that new technologies are ready for commercial use.

3. Water for energy

It is widely recognized that extensive use of coal for generating electricity and production of synthetic fuels will require large amounts of water. In addition, possible use of slurry pipelines for coal transportation will be an intensive water use. These and other uses of water for energy purposes may impose unacceptable cumulative demands, particularly in water-short regions. Numerous studies underway or completed have addressed only parts of this problem. The President has directed the Secretary of the Interior to take lead responsibility, using as fully as possible existing resources in other agencies, to prepare a comprehensive report of the availability of water for coal and other energy development, giving particular attention to the impacts on potential competing uses.

4. Improving coal leasing

An estimated 187 billion tons of reserves of publicly owned coal are administered by the Department of the Interior in the West. There are already 16 billion tons of federal

coal under lease although production is extremely limited (26.9 million tons in 1975). Under the 1976 Amendments to the Mineral Leasing Act all future leasing must be competitive. However, there are currently 10 billion tons of federal coal for which there are outstanding non-competitive (preference right) lease applications. These applications have not been processed pending decision by the Department on how they should be handled.

Almost all the existing leases have passed into private control without assessment of the environmental impacts of production. As a result, development of some leases may be environmentally undesirable, particularly when compared to development of federal coal not currently under lease.

The President believes that it is essential to have a leasing program which can respond to national energy needs in a way that assures that mining only occurs in areas where it is environmentally acceptable and compatible with other uses of the public lands. He has directed the Secretary, in accordance with the new coal leasing amendments and the recently enacted Federal Land Management and Policy Act, to determine which lands are appropriate to offer for lease, based on environmental reviews, coal assessments, and indications of market interests; to complete land use plans before deciding to offer a specific tract for sale; and not to lease any tract until the Secretary is satisfied that the environmental impact of mining would be acceptable and that the federal government will receive a fair market value for the lease.

The directive to the Secretary also calls for a review of the best way to handle the many leases and preference right applications issued prior to the moratorium and the new laws. The Secretary is to take appropriate measures to address this problem, including: exchange of environmentally unsatisfactory leases or applications for environmentally acceptable coal lands of equivalent value; reassessment of the basis for granting or denying preference right leases; and submission of legislation to authorize the condemnation of outstanding rights upon payment of reasonable compensation, if necessary to prevent environmental damage.

III. THE URBAN ENVIRONMENT

The President affirmed his commitment to protecting and enhancing the environment where most of our people live -- our cities. The Administration's focus in this effort will be on neighborhood preservation and conservation.

A. Preserving Architectural Heritage

The federal government can have a significant impact on urban communities and neighborhoods both directly, because of construction of federal office buildings and other structures, and indirectly, through its financial assistance for housing, schools, industrial parks, and transportation facilities. The design of our communities is important for livable cities and each federal building dollar should be regarded as an investment in the quality of the built environment of the nation. Under the President's directive, each is encouraged to make sure that any project it supports is designed to conserve existing resources, to take advantage of our rich architectural heritage wherever possible, and to be compatible in scale and character with its surrounding neighborhood.

For example, the Public Buildings Service of the General Services Administration (GSA), wherever feasible, will locate federal offices in buildings of historic and architectural value as called for by the recently enacted Public Buildings Cooperative Use Act and will encourage mixed uses, open to the public with shops, restaurants and educational and cultural activities located on their ground floors -- easily accessible to pedestrian traffic.

B. Improving Urban Homesteading

Urban homesteading allows people with moderate incomes to purchase abandoned houses in selected neighborhoods for one dollar, providing they fix up the house and live in it for at least three years. HUD supplies houses under the program from the houses it owns because previous owners have defaulted on federally assisted mortgages.

President Carter has signed legislation which increased the funds available for urban homesteading from $5 million last year to $20 million for this year. This month 15 additional communities have joined the 23 existing homesteading programs. To be effective, the homestading program also requires adequate rehabilitation assistance (the Administration has supported an increase in Section 312 loan funds for rehabilitation), and close coordination with other federal and local neighborhood assistance programs such as the Community Development Block Grant Program, HUD's property disposition program, and the Neighborhood Housing Services program of the Urban Reinvestment Task Force. The President has instructed the Secretary

of Housing and Urban Development to improve the coordination between such programs and to make better quality houses available to homesteading programs out of the housing stock owned by HUD.

IV. NATURAL RESOURCES

The President stated his strong commitment to improve the protection and management of the nation's public lands and natural resources. The Administration will propose new legislation where needed and will aggressively administer existing laws and programs to correct past abuse and to assure the conservation of the country's resources for the future.

A. Water Resources Policy

1. Policy reform

Federal water resources programs currently involve 25 different federal agencies and receive annual appropriations totaling about $5 billion (excluding grants for waste water treatment facilities). These expenditures reflect long-standing national interests in navigation, flood control, irrigation and hydroelectric power. During the past decade, new policy questions have been developing concerning ways to reform these federal resources programs. These policy questions involve:

- the appropriate cost-sharing formulas used to determine the non-federal contribution to federal water resources programs and projects. Present formulas are highly inconsistent, differing from one purpose to another and from one agency to another

- the appropriate standards for determining a project's costs and benefits. Present standards that specify planning objectives, discount rates for determining future benefits, and other components of cost-benefit analysis, exaggerate a project's direct economic benefits while understating environmental and indirect economic costs

- ways to insure that projects apply the most effective water conservation and reclamation methods. Such measures are costly, and often impossible, unless they are made part of early project planning

- the need to anticipate and correct the environmental impacts of proposed federal water resources programs and projects. Flood control and navigation programs have eliminated millions of acres of productive agricultural and forest land and have destroyed commercial and sport fisheries along hundreds of miles of river miles. Unanticipated effects of water resource programs have cost federal agencies vast sums to mitigate and avoid environmental damage.

The President's April 18, 1977 statement on water projects announced his determination to develop major policy reforms in these areas, as well as in dam safety and in a redirected public works program. His Environmental Message directs this policy review to be conducted by the Office of Management and Budget, the Council on Environmental Quality and the Water Resources Council. Their recommendations are to be submitted to the President within 6 months.

2. Floodplain management Executive Order

Floodplains that adjoin our coastal and inland waters have provided the nation with valuable agricultural and forest products, and recreation areas. Unwise development of these floodplains, however, continues to destroy their special values while threatening human life, health and property. Since the adoption of a national flood control policy in 1936 the federal government has invested about $10 billion in flood protection works. Nevertheless, annual property, human and non-human losses from floods and the disruption of floodplains continues to increase. The federal government can induce unwise and and risky development of floodplains through its own project construction and property management, through its financial and technical assistance and support of financial institutions, and by issuing permits and licenses. The purposes for which federal agencies give such support can be frustrated as floodplain property and facilities are exposed to the risks of floods. Most federal investment in these areas is simply a bad investment.

The President is issuing an Executive Order to all executive agencies to protect the values and benefits of floodplains and to reduce risks of flood losses by not conducting, supporting or allowing action located in floodplains unless it is the only practicable alternative. Agencies are to use available floodplain maps of HUD or other available floodplain information in order to make these judgments. If

the agency determines that its actions must be located in the floodplain then it must minimize potential harm to the floodplain. It must notify state and local governments of its action, state how the action is compatible with state and local floodplain protection laws, and identify the alternatives that were considered. Floodplains must also be taken into account in agency requests for authorization for federal programs. The Order requires federal agencies to manage their property and to floodproof their facilities in accordance with the same standards and criteria that have been adopted under the National Flood Insurance Program.

B. Wetlands

Coastal and inland wetlands offer opportunities for fishing, hunting, boating, hiking, bird-watching and general appreciation of nature. They provide valuable habitat for wildlife, serve as spawning and nursery areas for fish and shellfish and breeding, feeding and wintering areas for waterfowl and they control pollution through natural cleansing process. They filter out nutrients, capture toxic materials that would otherwise pollute our lakes and streams. They also act as buffers against damage from hurricanes and ocean storms.

Roughly 85 percent of the nation's wetlands are inland. Inland wetlands collect water during heavy rains and thereby reduce flooding. They release water slowly and so lessen the impact of dryer periods. They also recharge ground water and acquifers, which many farmers and ranchers rely on for livestock watering and irrigation. Millions of Americans also depend on ground water and aquifers for their drinking water.

It is estimated there were 120 million acres of wetlands in the 1950's. Today that amount has been reduced to 70 million acres. Wetlands are still being lost at a rate of about 300,000 acres per year.

1. Wetlands Protection Executive Order

The President is issuing an Executive Order which requires all executive agencies to refrain from supporting construction in wetlands wherever there is a practicable alternative. The Order establishes a federal policy for the conservation and protection of wetlands, and directs federal agencies to take certain steps to avoid to the extent possible the long and short term impacts associated with the destruction or modification of wetlands. If the head of a federal agency finds that there

is no practicable alternative to the use of wetlands for a project, the agency must act to reduce the adverse impacts on the wetlands. Each agency is also required to provide opportunity for early public review of any plans or proposals to alter wetlands. The Executive Order applies to direct federal construction in wetlands, to federally financed or assisted construction in wetlands, and to the uses of wetlands on federally-owned property.

2. Regulation of wetlands

The nation's wetlands are protected under federal law primarily by Section 404 of the Federal Water Pollution Control Act. This section requires anyone who would discharge dredge or fill material into a wetland to obtain a permit from the Corps of Engineers. The President supports the full implementation of this wetlands protection program, and has directed it to be carried out in a way that avoids undue federal involvement. He supports the current program's exemptions of normal farming, forestry, and ranching activities and its provisions for issuance of general permits for activities in wetlands with minimal adverse effects (after a general permit has been issued, individual activities falling within the categories authorized by the general permit do not need specific review). The President stated that his forthcoming amendments to the Federal Water Pollution Control Act will include proposals to improve wetlands protection and to authorize states to carry out major portions of the federal wetlands protection program.

3. Wetlands acquisition

The President has proposed a 5-year budget increase of $50 million for the acquisition of wetlands to maintain important breeding and wintering habitats for migratory waterfowl. The President has added more than $10 million to the Department of the Interior's Fiscal Years 1977 and 1978 budgets for this purpose. The wetlands to be acquired under this program are distributed across the nation. Initial emphasis will be placed, however, on acquiring wetlands in the great pot hole country of North and South Dakota and Minnesota, and acquisition of wintering habitats in Texas, Louisiana and California.

C. Coastal Barrier Islands

There are 189 barrier islands that stretch along our coasts from Maine to Texas. These long chains of relatively flat,

sandy formations offer a rich diversity of recreational opportunities, often near our large population centers. They provide habitat and food for hundreds of species of coastal birds, fish, shellfish, reptiles and mammals; and they include and protect important bays and estuaries from the destruction of hurricanes and oceanic storms. Sixty-eight of these islands are still unspoiled.

Most of the barrier islands are privately owned. They are targets of intense real-estate and development activity. The development of these resources has often been encouraged by federally permitted or subsidized roads, bridges, and sewers, with the result that millions of people have been subjected to the hazards of hurricanes, and to property losses from the erosion and other physical changes that are characteristic to barrier formations. These hazards and losses have, in turn, invited substantial federal spending for seawalls, grounds and beach restoration projects that perpetuate more settlement and then more federal investment, while causing the continuous loss of valuable and unique resources.

To correct this situation, the President has directed the Secretary of the Interior in cooperation with other federal agencies and state and local officials to investigate measures necessary to protect coastal barrier islands from unsound development.

D. Marine Sanctuaries

The President has directed the Secretary of Commerce to give high priority to designation of Marine Sanctuaries in areas where offshore development appears imminent. The Marine Sanctuary Program authorized by Title III of the Marine Protection, Research and Sanctuaries Act of 1972 (P.L. 92-532) permits the National Oceanic and Atmospheric Administration to designate, with Presidential approval, ocean, coastal or Great Lake waters to be set aside for conservation, recreational, ecological or esthetic reasons. A clear intent of the legislation is to protect unique marine resources from the impacts of development, such as offshore oil and gas exploration and production. This program has never been fully implemented as intended by Congress. The Secretary of Commerce will begin to identify possible marine sanctuaries, acquire the necessary data to support designation, and establish working procedures with other agencies. At the same time, the Secretary will evaluate the potential applications of the program and further requirements for implementation.

E. Mining

The President today announced his intention to introduce legislation which would establish: 1) a leasing system for publicly owned hardrock minerals and, 2) federal discretionary authority over mineral exploration and development on the public lands. This legislation would replace the Mining Law of 1872. The President directed the Secretary of the Interior to develop a hardrock mineral leasing law for submission to Congress later this year.

Under the Mining Law of 1872, any person discovering deposits of hardrock minerals (e.g., gold, silver, iron, copper, lead, zinc, bauxite, etc.) on the public lands may acquire exclusive rights to develop them by simply filling a notice of claim in the local county court house. These rights remain in perpetuity so long as the claimant invests the marginal sum of $100 in working his claim each year. Moreover, upon payment of several dollars per acre, the claimant may acquire full title to his claim by demonstrating that it contains "valuable deposits" of the mineral he proposes to develop.

The Mining Law of 1872 lacks clear authority for establishing environmental standards to protect the public lands. Since mining depends entirely on the random discoveries of individual prospectors, this law prevents the balanced management of forestry, grazing, recreation, wildlife and mineral development on the public lands. Finally, the Mining Law of 1872 allows the production of publicly owned mineral resources without a fair return to the federal treasury.

To deal with these important problems, the President plans to submit to Congress legislation which would

- repeal the Mining Law of 1872
- authorize the issuance of mineral leases and establish federal discretionary authority over the exploration and development of hardrock minerals on the public lands
- establish strict standards for the prevention of environmental damage and the reclamation of mined areas
- integrate mining into land use plans being developed for the public lands under other federal statutes

- require governmental approval of mining operation and reclamation plans

- provide for a fair return to the federal treasury for the production of publicly owned hardrock minerals.

F. Forest Management

The President has directed the Secretary of Agriculture to make a comprehensive study of federal programs and determine where improvements can be made to encouarge better management of America's private forest lands. America's non-industrial private commercial forests comprise almost 296 million acres or 59 percent of all private commercial forest lands and are owned by over 4 million people. Although these forests are producing 48 percent of our nation's annual demand for roundwood and 40 percent of the annual demand for softwood timber, they are producing at only 48 percent of their estimated potential.

The study will examine the major elements which may be important to long term forest land conservation such as: federal, state and local tax policy, cost sharing, technical assistance, education programs, credit, insurance and emergency funding. It will consider the need for measures to:

- assure that programs are supportive of meeting national environmental goals

- assure that assistance to non-federal forest owners will:

  -- emphasize and encourage interdisciplinary planning and multiple use management

  -- improve the capability of forest lands to meet the nation's need for wood

  -- improve and maintain fish and wildlife habitats, particularly those that are critical for threatened and endangered species

  -- prevent and control environmental pollution, fires and insects and diseases that damage forests, trees, shrubs, and wood using environmentally sound methods, particularly biological controls in preventing pest damage

-- strengthen planning and management capabilities of state and local forestry agencies

-- coordinate with other federal, state, and local forestry programs having common objectives

- determine effectiveness of programs to disseminate forestry information and provide technical assistance for the implementation of new forestry technology

- assure that programs involving the use of public resources on private lands are designed and implemented so as to produce the maximum net benefits for the public, without unduly interfering with private decisionmaking

- examine the desirability of providing financial assistance to state forestry agencies on the basis of state forestry plans rather than the present fragmented approach

G. Off-road Vehicles

The President issued an Executive Order amending Executive Order 11644 on the "Use of Off-road Vehicles on the Public Lands" requiring agency heads to close portions of the public lands to the use of off-road vehicles if such use will cause or is causing considerable adverse effects on the soil, vegetation, or other values of the public lands. The amendment also authorizes federal agencies to adopt the policy that portions of the public lands shall be closed pending the completion of studies as to their permanent designation as suitable or not suitable for use by off-road vehicles.

This amendment will not result in an arbitrary or blanket closure of the public lands. Moreover, it will only affect those off-road vehicles actually responsible for environmental damage. Thus, where snowmobiles, for example, cause no harm during the winter, they will not be restricted simply because motorcycles are causing damage during the summer.

V. THE NATIONAL HERITAGE

A. National Heritage Trust

The President has directed the Secretary of the Interior to develop within 120 days a National Heritage Trust proposal to protect our natural and cultural heritage.

Existing federal programs dealing with natural, cultural, and historic resources are fragmented. Over a dozen federal agencies administer over 200 programs which affect areas important to our national heritage. A comprehensive program is needed which would coordinate, supplement and improve aspects of existing programs so as to assist states in their efforts to protect important areas. Such a program would include measures to identify, acquire, and protect these resources; to provide for rapid acquisition of the most significant and endangered areas and examples of natural ecosystems; to protect areas already within federal jurisdiction; and to coordinate federal programs with states and private citizens more effectively.

B. Alaskan Lands

Until Alaska became a state in 1959, some 375 million acres were held as public territory under jurisdiction of the Department of the Interior. With statehood, Alaska was authorized to select 103 million acres for state ownership, and the Alaska Native Claims Settlement Act of 1971 provided that another 40 million acres may be selected by Alaska natives. Even after this massive transfer of lands, more than half of Alaska will still remain federally owned public lands.

From this immense expanse, the Alaska Native Claims Settlement Act authorized withdrawals of areas from unreserved Bureau of Land Management lands, to be apportioned among National Forest System, the National Park System, the National Wildlife Refuge System and the Wild and Scenic Rivers System. Congress has given itself until December 28, 1978 to act on these areas. If Congress fails to act, the withdrawn lands will revert to their former status as BLM lands.

The President pledged his support for major additions to the "Four Systems" and indicated that detailed Administration proposals will be submitted to Congress in the near future.

C. Wilderness

1. The proposals in brief

The President has proposed a series of recommended federal government actions to strengthen our commitment to national wilderness preservation. These include:

- endorsement, and in some cases expansion, of over 70 existing wilderness proposals pending before Congress

- recommendation of 5 new National Park Wilderness areas

- commitment to give early attention to a wilderness proposal for the Oregon Dunes National Recreation Area and to the first Bureau of Land Management Wilderness area at Aravaipa Canyon in Arizona

- support for immediate wilderness designation of protective study designation of all areas in the Endangered American Wilderness bill now before the Congress

- direction to the Secretaries of Agriculture and Interior to study additional areas for possible wilderness designation, paying particular attention to eastern National Forests, the National Grasslands, and to Alaskan National Forests

Wilderness proposals of previous Administrations were often developed under philosophies and constraints which resulted in choosing alternatives that either limited the size of individual wilderness areas or recommended against designation. The actions proposed today are a major step toward the goal of balancing preservation of America's lands against their commercial use.

2. Enlargement of areas recommended by previous Administrations

The following proposals exemplify the President's commitment to support enlargement of many of the wilderness areas now awaiting congressional approval:

- The Idaho and Salmon River Breaks Primitive Areas and contiguous areas in central Idaho form the largest wilderness expanse in the lower 48 states. This area -- known by many as the "River of No Return Wilderness" -- is vital ecologically for protecting the watershed of the Salmon River.

- The Beartooth-Absaroka area in Montana and Wyoming is extraordinarily scenic. Areas continguous to the previous proposal will provide a much expanded wilderness.

- The Guadalupe Escarpment wilderness proposal in New Mexico will include lands in Carlsbad Cavern National

Park, and a roadless area within the Lincoln National Forest.

- The Grand Canyon National Park wilderness proposal in Arizona will include the Colorado River and some additional lands.

- The expanded Kenai Moose Range wilderness proposal in south central Alaska will include lands that support thousands of big game animals.

3. New wilderness areas

- The Arches National Park proposal in Utah includes a spectacular assortment of geological formations: bridges, arches, towers, and spindles.

- The Canyonlands National Park proposal in Utah includes magnificent canyons and streams that run through red and orange sandstone cliffs.

- The Capitol Reef National Park proposal in Utah, includes portions of the spectacular Waterpocket Fold -- one hundred miles of sandstone folded and eroded into one of southern Utah's most striking features.

- The Buffalo National River proposal in Arkansas includes free-flowing river with outstanding examples of geology, botany, wildlife, and archeology.

- The Gulf Islands National Seashore proposal in Mississippi and Florida, includes outstanding coastal ecosystems; dumes, lagoons, marshes, and pine groves that provide habitat for osprey, eagles, alligators, and a wide variety of waterfowl.

Until 1976, the Bureau of Land Management (BLM) had no mandate to review its lands for wilderness values. Under Section 603 of the Federal Land Management and Policy Act of 1976, the BLM is directed to review all roadless areas of 5,000 acres or more, and all roadless islands for potential wilderness value. The President has directed the Secretary of the Interior to initiate a vigorous wilderness program for the BLM.

The President is committed to expanding wilderness opportunities east of the Rockies and to preserving the wilderness

resource in Alaska. He has directed that federal agencies complete inventories and expedite the preparation of wilderness proposals for roadless and undeveloped areas in the Alaska and eastern National Forests and in the National Grasslands.

D. Wild and Scenic Rivers

1. Proposals in brief

The President announced a series of federal actions to preserve free flowing rivers from dams and riverbank development. These include:

- legislation to add portions of eight rivers totaling 1,303 miles to the National Wild and Scenic Rivers System
- legislation designating portions of 20 rivers for study as potential additions to the system
- transmitting to the Congress reports on the Gasconade River in Missouri and the Penobscot River in Maine
- legislation to withdraw authority for future construction of the Cross Florida Barge Canal and to authorize study of the Oklawaha River for possible designation as a Wild and Scenic River

The Wild and Scenic Rivers Act (1968) initially designated all or parts of 8 rivers for the system, named 27 others for study as possible additions, and established procedures for additions to the system. There are now 19 Wild and Scenic Rivers totaling 1,655 miles. Another 51 rivers have already been identified as study rivers and are provided some interim protection.

2. Eight new river segments

- 121 miles of the Bruneau River system in southwest Idaho and northwest Nevada. The area possess major archeologic and geologic resources, and spectacular scenery
- 66 miles of the Pere Marquette River in Mason and Lake Counties, Michigan. This river is within a one-day drive for more than 50 million people
- 105 miles of the Dolores River in Colorado. The river has challenging white water boating

- 191 miles of the Rio Grande River in Texas extending from Chihuchua Coahiuta to the headwaters of Amistad Reservoir, Texas

- 237 miles of the Salmon River (the River of No Return) in Idaho. A great river with outstanding scenery, high quality water, challenging white water boating and exceptional wildlife and fish resources

- 158 miles of the Skagit River in Skagit and Snohomish Counties, Washington. The river has an outstanding salmon fishery

- 75 miles of the Upper Delaware River from the confluence of its east and west branches at Hancock, New York downstream to Matamoras, Pennsylvania. The river has a wide variety of natural, historic and archeological values

- 350 miles of the Upper Mississippi River in Minnesota, from its headwaters to Anoka

3. Twenty river segments proposed for study

- Gila River, New Mexico
- Green River, Utah
- Illinois River, Arkansas
- North Fork of the Kern River, California
- Shenandoah River, Virginia and West Virginia
- Sweetwater River, Wyoming
- Cacapon River, West Virginia
- Columbia River, Washington
- Guadalupe River, Texas
- John Day River, Oregon
- Loxahatchee River, Florida
- Niobrara River, Nebraska
- Tangipahoa River, Louisiana and Mississippi
- Yellowstone River, Wyoming and Montana
- Ogeechee River, Georgia
- Salt River, Georgia
- Wenatchee River, Washington
- Gulkana River, Alaska
- Delat River, Alaska
- Madison River, Montana

4. State rivers

The President transmitted to the Congress reports on the

Gasconade River in Missouri and the Penobscot River in Maine. Both of these rivers have been studied and found to qualify for inclusion in the national system with the recommendation that they be administered by the states. A number of states are taking positive action to protect their remaining free-flowing rivers; any proposals to add state administered rivers to the national system will be carefully considered by the Secretary of the Interior.

5. Cross Florida Barge Canal

The President's proposal provides for termination of construction of the Cross Florida Barge Canal and protection of the Oklawaha River Valley in north central Florida.

The Cross Florida Barge Canal project was first authorized in 1942. The purpose of the Canal was to reduce transportation costs for traffic from the Gulf Coast to the Atlantic. The project has attracted national attention because of its adverse effects on a beautiful, semi-tropical stream in north central Florida.

On January 19, 1971, President Nixon halted construction of the Canal to prevent potentially serious environmental damage. Since that time the Canal project has been in litigation. On January 17 of this year, the Governor and Cabinet of the State of Florida recommended against completion of the Canal, requested Congress to deauthorize the project, and requested restoration of the Oklawaha River and its designation as a Wild and Scenic River. The Corps of Engineers has also recommended termination of all activities leading to completion of the Canal.

The proposed legislation removes authority for further construction of the Canal while continuing operation and maintenance of the facilities until final disposition is made, provides a study of the Oklawaha for inclusion in the National Wild and Scenic River System, and extends the Ocala National Forest boundary to permit acquisition of suitable stretches of the Oklawaha River and its adjacent lands.

E. National Trails

1. Proposals in brief

The President announced proposals to expand and broaden the nation's trail system:

- legislation for three new National Scenic Trails

- legislation to amend the National Trails System Act to add a new category of trails -- Historic Trails. Early attention will be given to proposing trails to this new category. Prime candidates are the Oregon Trail and the Lewis and Clark Trail

In 1968 Congress passed the National Trails System Act to begin designation and preservation of recreation and scenic trails as part of a national system. To date only two have been designated: the familiar Appalachian and the Pacific Coast Trails. Meanwhile, many unprotected trails have become unusable, either because they have been destroyed for other uses or they have not been maintained. Just as our highways need annual repair, our trails also need clearing and reapir if they are to remain usable. On some areas of our public lands almost half of the once available trail mileage has been lost.

Trails are part of our nation's history. Many routes used by early explorers and settlers have become major highways; others are still paths that cross unchanged areas of our country. Parts of many trails have changed but some remain much the same as they were a hundred or two hundred years ago. Our network of trails provides numerous opportunities for recreation, opportunities which we must protect for future generations.

2. New scenic trails

The President submitted legislation designating the following National Scenic Trails:

- a Continental Divide Scenic Trail of 3,100 miles close to the Continental Divide along the Rocky Mountains crest from Canada to Mexico;

- a North Country Scenic Trail of 3,200 miles from eastern New York to North Dakota; and

- a Potomac Heritage Scenic Trail of 847 miles along the Potomac River from its mouth on the Chesapeake Bay upstream through West Virginia and Pennsylvania

F. Wildlife

1. Nongame Wildlife

Ninety-seven out of every 100 federal dollars that goes into wildlife research and management are spent on less than one percent of the total vertebrate species subject to federal control. The species that command the attention of managers and researchers are those that are hunted or fished either commercially or for sport. Because the vast majority of wildlife species are ignored, little is known about their current status, population dynamics, conservation needs, and potential value. Many species of high ecological value, particularly predators, are treated as vermin and not managed by either state or federal government. In fact most of the species widely seen and appreciated by Americans are not under active conservation and management programs.

Current funding of wildlife management in the United States is generated largely through revenues derived from hunting and fishing equipment or from licenses to participate in these activities. Because hunters and fishermen provide much of the money to run the programs, the federal and state programs have been geared almost entirely at satisfying their needs by the development of game species. The educational and recreational opportunities afforded by nongame species, particularly in the suburban and urban environments, have received virtually no federal or state attention.

To correct this imbalance, the President has directed the Secretary of the Interior (1) to encourage states to apply existing federal-aid funds to the management of all species of wildlife, and (2) to propose other measures to improve the conservation of nongame wildlife.

2. Endangered Species

The President has directed the heads of federal departments and agencies to provide information on critical habitat for endangered and threatened species on the lands under their control and directs the Secretaries of Interior and Commerce to expedite the designation of critical habitat under the Endangered Species Act of 1973.

Almost 200 U.S. species are presently on the U.S. Endangered Species List. Critical habitats for only six of these species have been officially designated. Critical habitat for an additional thirty species has been proposed but has not been made final.

The Endangered Species Act recognizes that habitat protection is the key element in preventing the extinction of valuable

wildlife resources. The identification and designation of the areas critical to species survival are also needed to prevent the disruption of federal planning activities. As long as critical habitat remains unknown, the potential for conflict exists.

3. Exotic Species

The President issued an Executive Order which increases protection for U.S. agriculture, forestry, and wildlife from exotic plants and animals. The Executive Order restricts to the extent permitted by law:

- the introduction of exotic species into federal lands and waters
- the importation of exotics for the purpose of introduction
- the use of federal funds and programs to export native species.

The President also directed the Secretary of the Interior and the Secretary of Agriculture to develop legislation to provide stricter control of exotic species entering the United States. Many of the hundreds of exotic species which have become established in the United States have been highly detrimental to public health, agriculture, and wildlife. Examples include accidental introductions, such as the Norway rat, black rat, house mouse, gypsy moth, Japanese beetle, and walking catfish; and purposeful introductions, such as carp, iceplant, water hyacinth, nutria, house sparrow, and pigeon. The costs to society include competition for or destruction of wildlife habitat, competition with native wildlife species, and the direct economic cost of state and federal programs to control exotic species which have become established in U.S. ecosystems.

Some introductions, of course, are both necessary and beneficial to the American public through agriculture, aquaculture, forestry, range management, and scientific research. A free exchange of plants and animals is necessary in these areas, and the proposed Executive Order does not apply to them.

4. Wildlife Law

The President has directed the Council on Environmental Quality to undertake a review of our laws relating to wildlife conservation and report to him in six months on the methods available

to create an effective and comprehensive body of law for wildlife conservation.

Over 100 treaties, international agreements, federal statutes and executive orders provide a complex array of interrelated and sometimes overlapping requirements for wildlife programs throughout the country. The responsibility for interpreting and enforcing these laws is shared among numerous federal agencies. As a result, it is difficult to fashion and implement a coherent and consistent national program.

After a year-long intensive study the Council on Environmental Quality recently issued the first comprehensive description and analysis of federal wildlife law. This study, The Evolution of National Wildlife Law, identified numerous instances where present federal laws are inconsistent or deficient.

G. Redwood National Park

The President reiterated the Administration's determination to protect and further expand Redwood National Park while cushioning the effects of temporary unemployment brought about by these actions.

The Congress established the 58,000 acre Redwood National Park in 1968 to protect the magnificient coastal redwoods. Unfortunately, the compromise boundaries adopted by Congress left the Redwood Creek portion at the southern tip of the Park especially vulnerable to damage from logging and rapid building on lands outside the Park.

The Administration has proposed to the Congress:

- adding 48,000 carefully chosen acres to the Redwood National Park to provide protection to existing parklands and to add to the Park additional stands of redwoods

- rehabilitation to repair damage from past abuse to Redwood Creek watershed.

In addition, the Administration is committed to a program to deal with temporary unemployment problems that may be caused by these actions.

VI. THE GLOBAL ENVIRONMENT

A. World Population

In the past 15 years world population has increased from three to four billion. Although there have been increases in food productivity and economic levels in much of the world, the inexorable population rise has substantially cancelled out these improvements for the population of much of the world. Hunger and malnutrition are as widespread now as they were a decade ago, and the press of population on the land, resulting in deforestation, erosion and unsound agriculture, is actually decreasing much of the globe's potential productivity. At today's rate of increase, the world's human population will double within the next 40 or so years, and without dramatic improvements it may double again in a shorter period.

In the past, population control has been a highly controversial subject for international assistance, opposed by various nations for political and other reasons. Now, however, the critical and urgent need for population programs is well recognized internationally. The President today committed the United States to respond promptly and fully to all requests for international assistance in population and health care programs, and directed the Department of State and the Agency for International Development to cooperate with such assistance through international organizations, private voluntary organizations, and directly with other governments.

B. Economic Development Assistance

The President today instructed the Secretary of State, the Administrator of the Agency for International Development, and other concerned federal agencies to ensure that there is full consideration of the environmental soundness of international development projects which are under review for possible assistance.

In the past, environmental considerations have often been considered a luxury in international development assistance programs. They often have received little, if any, attention in the development planning process. However, the growing body of experience with these programs has shown that adequate attention to environment is essential to the success of many programs, particularly those dealing with agriculture, livestock, fisheries, forestry, and water development.

The President also directed the Administrator of AID to make available to developing countries assistance in environment and natural resources management. Developing countries in general have relatively little expertise in environmental and natural resource management. Provision of assistance in this field can

help the nations involved to develop their own expertise and to design environmentally sound projects regardless of the source of funding.

C. International Environment Agreements

A number of federal agencies are engaged in conservation activities under international agreements in connection with United Nations agencies, other multilateral organizations, and bilateral arrangements. The President directed the Administration to expand these efforts, giving particular attention to the following areas:

1. Endangered Species

The Convention on International Trade in Endangered Species of Wild Fauna and Flora came into effect in 1975. At present, 35 nations have ratified it. Its objective is to prohibit trade in seriously endangered species of wildlife, thereby removing a major threat to their survival. The President stated that the United States will encourage other nations to join us in cooperating to implement the treaty.

2. Antarctica

The President submitted to Congress The Antarctic Conservation Act of 1977. This legislation is intended to implement the "Agreed Measures for the Conservation of Antarctic Fauna and Flora," an international agreement between the 12 nations which are parties to the Antarctic Treaty. Under these Measures certain areas of particular conservation significance are to be protected as reserves. Antarctic flora and fauna are protected, and the importation into Antarctic of exotic plants and animals is prohibited.

The proposed legislation would implement the Agreed Measures by authorizing the National Science Foundation and the Department of the Interior to prescribe and administer regulations consistent with the provisions of the Measures.

3. Western Hemisphere Convention

The Convention for Nature Protection and Wildlife Preservation in the Western Hemisphere was signed by President Franklin D. Roosevelt in 1940, and most nations of the Western Hemisphere are parties to it. The Convention came into effect in 1942, but with the advent of the Second World War, it was never fully and systematically implemented.

The Convention calls for the creation and protection of parks, reserves, and natural areas, for conservation of wildlife and its habitat, for special protection of migratory birds and endangered species, and for cooperation in research and management relating to nature protection.

The President today called upon the nations of the Americas to implement the Convention through the Organization of American States. He urged development of a Pan-American Migratory Species Treaty to give adequate protection to the birds and other wildlife which migrate between the United States and other countries of this hemisphere.

4. US-USSR Environment Agreement

The President will submit to the Senate for ratification a Treaty for the Conservation of Migratory Birds and their Environment, along with legislation intended to implement the treaty. This treaty was developed jointly with the Soviet Union under the US-USSR Agreement on Environmental Protection, and was signed in Moscow last November. It deals with birds which migrate between the United States and the Soviet Union, and establishes new authority to protect the birds and to conserve the habitat necessary for the birds' survival.

D. Saving the Whales

Since 1972, the United States has sought a moratorium on the commercial killing of whales. Due largely to U.S. efforts, member countries of the International Whaling Commission (IWC) have agreed to forbid all commercial killing of certain species and have reduced quotas on the total number of whales that may be killed by about 40 percent since 1972. However, total quotas for this year's whaling season are still over 27,000 whales.

Several major issues addressed at the 28th meeting remain unresolved. A U.S. proposal to prohibit the sale or transfer of whaling equipment to countries not members of IWC failed to pass. Responsibility for the management of small whales as well as large cetaceans has not yet been accepted by the IWC, although the Commission did request statistics on small whale kills from member nations. Some IWC member countries continue to buy whale products, such as meat and oil, from nonmember whaling nations.

In spite of the progress made in the past five years in the IWC, a major change in the International Whaling Convention itself is needed before conservation measures will be adequate to assure protection.

In order to provide additional protection for whales, the President has directed the Secretary of Commerce, with the foreign policy guidance of the Secretary of State, to:

- prohibit commercial whaling within our 200-mile fishery conservation zone in accordance with the Marine Mammal Protection Act of 1972

- pursue negotiations within the International Whaling Commission for a stronger international conservation regime for whales and other cetaceans, affording protection for them throughout their range

- maintain firm U.S. support for a 10 year worldwide moratorium on the commercial killing of whales

- report to him within 60 days any actions that diminish the effectiveness of the International Whaling Commission's conservation program

VII. IMPROVING GOVERNMENT

A. Implementation of the National Environmental Policy Act

The President emphasized the importance of the National Environmental Policy Act (NEPA) to the development of sound federal decisions and to public involvement in government. To improve the implementation of NEPA and, in particular, the use of its required environmental impact statements, he has issued an Executive Order:

- authorizing the Council on Environmental Quality (CEQ) to issue regulations which will ensure the effectiveness of environmental impact statements while reducing unnecessary paperwork

- directing CEQ to prescribe procedures to help resolve interagency conflicts regarding projects being reviewed under NEPA.

NEPA and the impact statement process have been of tremendous benefit in informing the public and in making agency programs more responsive to environmental concerns. Nevertheless, an increasing preoccupation with paperwork and procedure in the EIS process has tended to obscure the Act's underlying policies.

The authority given CEQ under the current Executive Order to promulgate guidelines is limited to the impact statement provision of NEPA (Sec. 102(2)(C). This has resulted in guidelines which do not directly apply the environmental policy statements in NEPA. Instead, the current guidelines focus only on the "action forcing" procedures, such as the impact statement requirement, which are intended to force the agencies to take the substantive NEPA policies into consideration in the decision-making process. By concentrating guidelines on the EIS, production of this document often has been perceived as an end in itself rather than as a means to improved decision-making.

As a result, business and labor complain of the bureaucratic paperwork requirements. Environmentalists fear that the NEPA EIS process which they value highly is being given a bad name by the concentration of paperwork. Suggestions have recently been made by several studies, including a report of the Federal Paperwork Commission, to improve federal impact statement practices and to make them more consistent through the issuance of regulations.

Although federal agencies must consult with each other before taking an action with significant environmental effects, inter-agency differences over the environmental impacts are not always resolved in a timely way. No procedures presently exist to encourage federal agencies to anticipate conflicts and seek their resolution before significant decisions have been made. Effective use of the impact statement process to help resolve differences is still limited. For example, under Section 309 of the Clean Air Act of 1972, the Congress required the Environmental Protection Agency (EPA) to review the impact statements of other federal agencies and to refer agency proposals to CEQ if they are found to be environmentally unsatisfactory. However, no procedures have been established to make this requirement fully effective nor to extend such a process to other agencies that review impact statements. And once such differences are known the federal government has had no clear procedures to resolve them or to see that agencies take reasonable steps to assure that federal proposals do not conflict with the objectives of NEPA.

B. Coordination within the Federal Government

1. Consolidated Environmental Grant Program

Pollution control laws enacted over the past six years have created multiple requirements and grant programs for planning, monitoring, implementation and enforcement. These all tend to be single purpose programs, with little legislated coordination

among them, and with inconsistent criteria for recipient agency designation, boundaries, planning horizons, consideration of cross-media effects, and citizen participation.

Within EPA there are over six different offices administering environmental grants totalling over $150 million, and separate grant applications on the part of the recipient agencies must be made for each of the various programs. The Clean Air Act authorizes grants for the preparation of state and local air quality implementation plans. The Federal Water Pollution Control Act authorizes planning grants for statewide, basinwide, and local water quality management. The Solid Waste Disposal Act authorizes funds for planning solid waste management systems. The Safe Drinking Water Act provides funds for water supply programs. Under the Toxic Substances Control Act and the Federal Insecticide, Fungicide and Rodenticide Act, funds are authorized for regulating toxic substances and pesticides. In addition to providing planning funds, the Clean Air Act and the Federal Water Pollution Control Act authorize some funds for enforcement and implementing activities including collecting and monitoring of data. On the other hand, the authorizing legislation may not include funding for some important responsibilities (such as indirect source review and implementing noise abatement programs).

The President has proposed a $150 million grant program for state and local pollution efforts. However, in order to eliminate confusion and conflicting requirements among the planning, training, monitoring, enforcing, and research programs of EPA, and to encourage greater recognition of the relationships among air and water quality and quantity, waste disposal and resource recovery; regulation of pesticides and noise, and land use, and to provide more efficient and flexible assistance to state and local governments, the President will submit legislation that will combine EPA's separate planning, research, and regulation programs for air and water pollution, water supply, solid wastes, toxics and pesticides into a comprehensive, consolidated environmental grant program.

2. Review of Environmental Laws

The President directed the Council on Environmental Quality to recommend specific legislation and other measures necessary to integrate, clarify, and make more efficient the numerous environmental review requirements that apply to federal projects, grants, and permits. Federal agencies must comply with more than a score of federal environmental review requirements before making decisions on federal projects, permits, and grants.

These requirements cover such matters as historic and cultural resources, wildlife, air and water quality, coastal, wetlands, and floodplain areas, and scenic and recreational areas. In seeking to meet these requirements federal agencies, as well as local and state governments and private parties, have encountered a number of serious problems.

CEQ's study will:

- describe the present coordination problem among federal, state, and local agencies and identify the requirements now causing the most difficulty to government agencies and private parties.

- analyze the ways federal, state, and local agencies seek to comply with the environmental law requirements and the measures being taken to improve coordination and reduce inefficiencies by agencies charged with overseeing these laws.

- develop specific administrative actions and legislative proposals to remedy present defects in meeting the goals of environmental review laws while making government planning and decision-making more efficient. All recommendations shall be consistent with the President's reorganization plans. The study and recommendations are expected to be completed in nine months.

3. Environmental Monitoring and Data Task Force

The President directed the Council on Environmental Quality to lead an interagency task force that will review federal environmental monitoring and data programs and recommend ways to improve their effectiveness.

As the nation's awareness of environmental problems has grown over the past decade, so has its need for sound technical information and data to help guide environmental decisions and policies. More than a hundred federal programs from nearly every major agency presently generate data, statistics, and analytical information about environmental conditions, trends, and their causes. We depend heavily on the information from these programs, many of which are well conducted.

Yet, there are major deficiencies. Large gaps, wasteful duplications, questionable validity, and lack of coordination characterize many of the nation's environmental monitoring and

data programs. Lack of uniformity often prevents the comparison of one agency's data with another's. Inadequate quality assurance often reduces the scientific credibility of data and therefore its usefulness to decisionmakers. Important data are often collected but not well disseminated or made available to analysts efficiently and decisionmakers.

The Interagency Task Force on Environmental Monitoring and Data will seek to improve such federal programs through serving the real information needs of decisionmakers, policymakers, program managers, and the public. The Task Force will review present federal practices regarding data gathering, data quality, data management, data analysis, and reporting. Ad hoc committees of the Task Force will address air quality, water quality, ecological, and other monitoring and data programs. An ad hoc toxic substances data committee recently initiated by the Council on Environmental Quality and the Office of Management and Budget will also be a part of the Task Force's activities.

C. Coordinated Intergovernmental Planning

Presently, over two dozen federal programs provide funds to state and local governments and other organizations for planning -- for developing highways and public transportation facilities, for cleaning the air and water, disposing of wastes, community development and social services, parks and open spaces, schools, cultural facilities and other purposes. Estimates of federal funding for such programs in FY 1975 ranged from $350 million to $560 million. These planning programs have the potential to affect some 442 separate federal grant programs, representing $45.6 billion. The problems encountered by state and local governments and organizations involved in coordinating and integrating the myriad of federally assisted programs have been documented many times (most recently in a March 28, 1977, report by the General Accounting Office). The Advisory Commission on Intergovernmental Relations (ACIR), the National League of Cities, the Conference of Mayors, the National Association of County Organizations have all called for a reduction in the fragmentation of areawide planning, of federal, state, and local resources, and in the programming of federal aid.

In keeping with his interest in simplifying government programs and providing more control at the local level, the President expressed support for measures which would eliminate this needless confusion and inefficiency by:

- establishing a national policy on areawide planning

- improving the coordination and delivery of federal programs to state and local governments

- involving local elected officials in the crafting of their own development plans and in influencing the federal programs that affect their communities

- strengthening the capability of local government to develop an integrated approach to environmental, economic, and social issues.

Exotic Organisms

Executive Order 11987. May 24, 1977

By virtue of the authority vested in me by the Constitution and statutes of the United States of America, and as President of the United States of America, in furtherance of the purposes and policies of the Lacey Act (18 U.S.C. 42) and the National Environmental Policy Act of 1969, as amended (42 U.S.C. 4321 *et seq.*), it is hereby ordered as follows:

SECTION 1. As used in this Order:

(a) "United States" means all of the several States, the District of Columbia, the Commonwealth of Puerto Rico, American Samoa, the Virgin Islands, Guam, and the Trust Territory of the Pacific Islands.

(b) "Introduction" means the release, escape, or establishment of an exotic species into a natural ecosystem.

(c) "Exotic species" means all species of plants and animals not naturally occurring, either presently or historically, in any ecosystem of the United States.

(d) "Native species" means all species of plants and animals naturally occurring, either presently or historically, in any ecosystem of the United States.

SEC. 2. (a) Executive agencies shall, to the extent permitted by law, restrict the introduction of exotic species into the natural ecosystems on lands and waters which they own, lease, or hold for purposes of administration; and, shall encourage the States, local governments, and private citizens to prevent the introduction of exotic species into natural ecosystems of the United States.

(b) Executive agencies, to the extent they have been authorized by statute to restrict the importation of exotic species, shall restrict the introduction of exotic species into any natural ecosystem of the United States.

(c) Executive agencies shall, to the extent permitted by law, restrict the use of Federal funds, programs, or authorities used to export native species for the purpose of introducing such species into ecosystems outside the United States where they do not naturally occur.

(d) This Order does not apply to the introduction of any exotic species, or the export of any native species, if the Secretary of Agriculture or the Secretary of the Interior finds that such introduction or exportation will not have an adverse effect on natural ecosystems.

SEC. 3. The Secretary of the Interior, in consultation with the Secretary of Agriculture and the heads of other appropriate agencies, shall develop and implement, by rule or regulation, a system to standardize and simplify the requirements, procedures and other activities appropriate for implementing the provisions of this Order. The Secretary of the Interior shall ensure that such rules or regulations are in accord with the performance by other agencies of those functions vested by law, including this Order, in such agencies.

JIMMY CARTER

The White House,
May 24, 1977.

Floodplain Management

Executive Order 11988. May 24, 1977

By virtue of the authority vested in me by the Constitution and statutes of the United States of America, and as President of the United States of America, in furtherance of the National Environmental Policy Act of 1969, as amended (42 U.S.C. 4321 *et seq.*), the National Flood Insurance Act of 1968, as amended (42 U.S.C. 4001 *et seq.*), and the Flood Disaster Protection Act of 1973 (Public Law 93–234, 87 Stat. 975), in order to avoid to the extent possible the long and short term adverse impacts associated with the occupancy and modification of floodplains and to avoid direct or indirect support of floodplain development wherever there is a practicable alternative, it is hereby ordered as follows:

SECTION 1. Each agency shall provide leadership and shall take action to reduce the risk of flood loss, to minimize the impact of floods on human safety, health and welfare, and to restore and preserve the natural and beneficial values served by floodplains in carrying out its responsibilities for (1) acquiring, managing, and disposing of Federal lands and facilities; (2) providing Federally undertaken, financed, or assisted construction and improvements; and (3) conducting Federal activities and programs affecting land use, including but not limited to water and related land resources planning, regulating, and licensing activities.

SEC. 2. In carrying out the activities described in Section 1 of this Order, each agency has a responsibility to evaluate the potential effects of any actions it may take in a floodplain; to ensure that its planning programs and budget requests reflect consideration of flood hazards and

floodplain management; and to prescribe procedures to implement the policies and requirements of this Order, as follows:

(a)(1) Before taking an action, each agency shall determine whether the proposed action will occur in a floodplain—for major Federal actions significantly affecting the quality of the human environment, the evaluation required below will be included in any statement prepared under Section 102(2)(C) of the National Environmental Policy Act. This determination shall be made according to a Department of Housing and Urban Development (HUD) floodplain map or a more detailed map of an area, if available. If such maps are not available, the agency shall make a determination of the location of the floodplain based on the best available information. The Water Resources Council shall issue guidance on this information not later than October 1, 1977.

(2) If an agency has determined to, or proposes to, conduct, support, or allow an action to be located in a floodplain, the agency shall consider alternatives to avoid adverse effects and incompatible development in the floodplains. If the head of the agency finds that the only practicable alternative consistent with the law and with the policy set forth in this Order requires siting in a floodplain, the agency shall, prior to taking action, (i) design or modify its action in order to minimize potential harm to or within the floodplain, consistent with regulations issued in accord with Section 2(d) of this Order, and (ii) prepare and circulate a notice containing an explanation of why the action is proposed to be located in the floodplain.

(3) For programs subject to the Office of Management and Budget Circular A–95, the agency shall send the notice, not to exceed three pages in length including a location map, to the state and areawide A–95 clearinghouses for the geographic areas affected. The notice shall include: (i) the reasons why the action is proposed to be located in a floodplain; (ii) a statement indicating whether the action conforms to applicable state or local floodplain protection standards and (iii) a list of the alternatives considered. Agencies shall endeavor to allow a brief comment period prior to taking any action.

(4) Each agency shall also provide opportunity for early public review of any plans or proposals for actions in floodplains, in accordance with Section 2(b) of Executive Order No. 11514, as amended, including the development of procedures to accomplish this objective for Federal actions whose impact is not significant enough to require the preparation of an environmental impact statement under Section 102(2)(C) of the National Environmental Policy Act of 1969, as amended.

(b) Any requests for new authorizations or appropriations transmitted to the Office of Management and Budget shall indicate, if an action to be proposed will be located in a floodplain, whether the proposed action is in accord with this Order.

(c) Each agency shall take floodplain management into account when formulating or evaluating any water and land use plans and shall require land and water resources use appropriate to the degree of hazard involved. Agencies shall include adequate provision for the evaluation and consideration of flood hazards in the regulations and operating procedures for the licenses, permits, loan or grants-in-aid programs that they administer. Agencies shall also encourage and provide appropriate guidance to applicants to evaluate the effects of their proposals in floodplains prior to submitting applications for Federal licenses, permits, loans or grants.

(d) As allowed by law, each agency shall issue or amend existing regulations and procedures within one year to comply with this Order. These procedures shall incorporate the Unified National Program for Floodplain Management of the Water Resources Council, and shall explain the means that the agency will employ to pursue the nonhazardous use of riverine, coastal and other floodplains in connection with the activities under its authority. To the extent possible, existing processes, such as those of the Council on Environmental Quality and the Water Resources Council, shall be utilized to fulfill the requirements of this Order. Agencies shall prepare their procedures in consultation with the Water Resources Council, the Federal Insurance Administration, and the Council on Environmental Quality, and shall update such procedures as necessary.

SEC. 3. In addition to the requirements of Section 2, agencies with responsibilities for Federal real property and facilities shall take the following measures:

(a) The regulations and procedures established under Section 2(d) of this Order shall, at a minimum, require the construction of Federal structures and facilities to be in accordance with the standards and criteria and to be consistent with the intent of those promulgated under the National Flood Insurance Program. They shall deviate only to the extent that the standards of the Flood Insurance Program are demonstrably inappropriate for a given type of structure or facility.

(b) If, after compliance with the requirements of this Order, new construction of structures or facilities are to be located in a floodplain, accepted floodproofing and other flood protection measures shall be applied to new construction or rehabilitation. To achieve flood protection, agencies shall, wherever practicable, elevate structures above the base flood level rather than filling in land.

(c) If property used by the general public has suffered flood damage or is located in an identified flood hazard area, the responsible agency shall provide on structures, and other places where appropriate, conspicuous delineation of past and probable flood height in order to enhance public awareness of and knowledge about flood hazards.

(d) When property in floodplains is proposed for lease, easement, right-of-way, or disposal to non-Federal public or private parties, the Federal agency shall (1) reference in the conveyance those uses that are restricted under

identified Federal, State, or local floodplain regulations; and (2) attach other appropriate restrictions to the uses of properties by the grantee or purchaser and any successors, except where prohibited by law; or (3) withhold such properties from conveyance.

SEC. 4. In addition to any responsibilities under this Order and Sections 202 and 205 of the Flood Disaster Protection Act of 1973, as amended (42 U.S.C. 4106 and 4128), agencies which guarantee, approve, regulate, or insure any financial transaction which is related to an area located in a floodplain shall, prior to completing action on such transaction, inform any private parties participating in the transaction of the hazards of locating structures in the floodplain.

SEC. 5. The head of each agency shall submit a report to the Council on Environmental Quality and to the Water Resources Council on June 30, 1978, regarding the status of their procedures and the impact of this Order on the agency's operations. Thereafter, the Water Resources Council shall periodically evaluate agency procedures and their effectiveness.

SEC. 6. As used in this Order:

(a) The term "agency" shall have the same meaning as the term "Executive agency" in Section 105 of Title 5 of the United States Code and shall include the military departments; the directives contained in this Order, however, are meant to apply only to those agencies which perform the activities described in Section 1 which are located in or affecting floodplains.

(b) The term "base flood" shall mean that flood which has a one percent or greater chance of occurrence in any given year.

(c) The term "floodplain" shall mean the lowland and relatively flat areas adjoining inland and coastal waters including floodprone areas of offshore islands, including at a minimum, that area subject to a one percent or greater chance of flooding in any given year.

SEC. 7. Executive Order No. 11296 of August 10, 1966, is hereby revoked. All actions, procedures, and issuances taken under that Order and still in effect shall remain in effect until modified by appropriate authority under the terms of this Order.

SEC. 8. Nothing in this Order shall apply to assistance provided for emergency work essential to save lives and protect property and public health and safety, performed pursuant to Sections 305 and 306 of the Disaster Relief Act of 1974 (88 Stat. 148, 42 U.S.C. 5145 and 5146).

SEC. 9. To the extent the provisions of Section 2(a) of this Order are applicable to projects covered by Section 104(h) of the Housing and Community Development Act of 1974, as amended (88 Stat. 640, 42 U.S.C. 5304(h)), the responsibilities under those provisions may be assumed by the appropriate applicant, if the applicant has also assumed, with respect to such projects, all of the responsibilities for environmental review, decisionmaking, and action pursuant to the National Environmental Policy Act of 1969, as amended.

JIMMY CARTER

The White House,
May 24, 1977.

Floodplain Management

Statement by the President Accompanying Executive Order 11988. May 24, 1977

The floodplains which adjoin the Nation's inland and coastal waters have long been recognized as having special values to our citizens. They have provided us with wildlife habitat, agricultural and forest products, stable ecosystems, and park and recreation areas. However, unwise use and development of our riverine, coastal, and other floodplains not only destroy many of the special qualities of these areas but pose a severe threat to human life, health, and property.

Since the adoption of a national flood control policy in 1936, the Federal Government has invested about $10 billion in flood protection works. Despite substantial efforts by the Federal Government to reduce flood hazards and protect floodplains, annual losses from floods and adverse alteration of floodplains continue to increase.

The problem arises mainly from unwise land use practices. The Federal Government can be responsible for or can influence these practices in the construction of projects, in the management of its own properties, in the provision of financial or technical assistance including support of financial institutions, and in the uses for which its agencies issue licenses or permits. In addition to minimizing the danger to human and nonhuman communities living in floodplains, active floodplain management represents sound business practice by reducing the risk of flood damage to properties benefiting from Federal assistance.

Because unwise floodplain development can lead to the loss of human and other natural resources, it is simply a bad Federal investment and should be avoided. In order to avoid to the extent possible the long- and short-term adverse impacts associated with the occupancy and modification of floodplains and to avoid direct or indirect support of floodplain development wherever there is a practicable alternative, I have issued an Executive order on floodplain management.

Off-Road Vehicles on Public Lands

Executive Order 11989. May 24, 1977

By virtue of the authority vested in me by the Constitution and statutes of the United States of America, and as President of the United States of America, in order to clarify agency authority to define zones of use by off-road vehicles on public lands, in furtherance of the National Environmental Policy Act of 1969, as amended (42 U.S.C. 4321 *et seq.*), Executive Order No. 11644 of February 8, 1972, is hereby amended as follows:

SECTION 1. Clause (B) of Section 2(3) of Executive Order No. 11644, setting forth an exclusion from the definition of off-road vehicles, is amended to read "(B) any fire, military, emergency or law enforcement vehicle when used for emergency purposes, and any combat or combat support vehicle when used for national defense purposes, and".

SEC. 2. Add the following new Section to Executive Order No. 11644:

"SEC. 9. *Special Protection of the Public Lands.* (a) Notwithstanding the provisions of Section 3 of this Order, the respective agency head shall, whenever he determines that the use of off-road vehicles will cause or is causing considerable adverse effects on the soil, vegetation, wildlife, wildlife habitat or cultural or historic resources of particular areas or trails of the public lands, immediately close such areas or trails to the type of off-road vehicle causing such effects, until such time as he determines that such adverse effects have been eliminated and that measures have been implemented to prevent future recurrence.

"(b) Each respective agency head is authorized to adopt the policy that portions of the public lands within his jurisdiction shall be closed to use by off-road vehicles except those areas or trails which are suitable and specifically designated as open to such use pursuant to Section 3 of this Order.".

JIMMY CARTER

The White House,
May 24, 1977.

Protection of Wetlands

Executive Order 11990. May 24, 1977

By virtue of the authority vested in me by the Constitution and statutes of the United States of America, and as President of the United States of America, in furtherance of the National Environmental Policy Act of 1969, as amended (42 U.S.C. 4321 *et seq.*), in order to avoid to the extent possible the long and short term adverse impacts associated with the destruction or modification of wetlands and to avoid direct or indirect support of new construction in wetlands wherever there is a practicable alternative, it is hereby ordered as follows:

SECTION 1. (a) Each agency shall provide leadership and shall take action to minimize the destruction, loss or degradation of wetlands, and to preserve and enhance the natural and beneficial values of wetlands in carrying out the agency's responsibilities for (1) acquiring, managing, and disposing of Federal lands and facilities; and (2) providing Federally undertaken, financed, or assisted construction and improvements; and (3) conducting Federal activities and programs affecting land use, including but not limited to water and related land resources planning, regulating, and licensing activities.

(b) This Order does not apply to the issuance by Federal agencies of permits, licenses, or allocations to private parties for activities involving wetlands on non-Federal property.

SEC. 2. (a) In furtherance of Section 101(b)(3) of the National Environmental Policy Act of 1969 (42 U.S.C. 4331(b)(3)) to improve and coordinate Federal plans, functions, programs and resources to the end that the Nation may attain the widest range of beneficial uses of the environment without degradation and risk to health or safety, each agency, to the extent permitted by law, shall avoid undertaking or providing assistance for new construction located in wetlands unless the head of the agency finds (1) that there is no practicable alternative to such construction, and (2) that the proposed action includes all practicable measures to minimize harm to wetlands which may result from such use. In making this finding the head of the agency may take into account economic, environmental and other pertinent factors.

(b) Each agency shall also provide opportunity for early public review of any plans or proposals for new construction in wetlands, in accordance with Section 2(b) of Executive Order No. 11514, as amended, including the development of procedures to accomplish this objective for Federal actions whose impact is not significant enough

to require the preparation of an environmental impact statement under Section 102(2)(C) of the National Environmental Policy Act of 1969, as amended.

SEC. 3. Any requests for new authorizations or appropriations transmitted to the Office of Management and Budget shall indicate, if an action to be proposed will be located in wetlands, whether the proposed action is in accord with this Order.

SEC. 4. When Federally-owned wetlands or portions of wetlands are proposed for lease, easement, right-of-way or disposal to non-Federal public or private parties, the Federal agency shall (a) reference in the conveyance those uses that are restricted under identified Federal, State or local wetlands regulations; and (b) attach other appropriate restrictions to the uses of properties by the grantee or purchaser and any successor, except where prohibited by law; or (c) withhold such properties from disposal.

SEC. 5. In carrying out the activities described in Section 1 of this Order, each agency shall consider factors relevant to a proposal's effect on the survival and quality of the wetlands. Among these factors are:

(a) public health, safety, and welfare, including water supply, quality, recharge and discharge; pollution; flood and storm hazards; and sediment and erosion;

(b) maintenance of natural systems, including conservation and long term productivity of existing flora and fauna, species and habitat diversity and stability, hydrologic utility, fish, wildlife, timber, and food and fiber resources; and

(c) other uses of wetlands in the public interest, including recreational, scientific, and cultural uses.

SEC. 6. As allowed by law, agencies shall issue or amend their existing procedures in order to comply with this Order. To the extent possible, existing processes, such as those of the Council on Environmental Quality and the Water Resources Council, shall be utilized to fulfill the requirements of this Order.

SEC. 7. As used in this Order:

(a) The term "agency" shall have the same meaning as the term "Executive agency" in Section 105 of Title 5 of the United States Code and shall include the military departments; the directives contained in this Order, however, are meant to apply only to those agencies which perform the activities described in Section 1 which are located in or affecting wetlands.

(b) The term "new construction" shall include draining, dredging, channelizing, filling, diking, impounding, and related activities and any structures or facilities begun or authorized after the effective date of this Order.

(c) The term "wetlands" means those areas that are inundated by surface or ground water with a frequency sufficient to support and under normal circmstances does or would support a prevalence of vegetative or aquatic life that requires saturated or seasonally saturated soil conditions for growth and reproduction. Wetlands generally include swamps, marshes, bogs, and similar areas such as sloughs, potholes, wet meadows, river overflows, mud flats, and natural ponds.

SEC. 8. This Order does not apply to projects presently under construction, or to projects for which all of the funds have been appropriated through Fiscal Year 1977, or to projects and programs for which a draft or final environmental impact statement will be filed prior to October 1, 1977. The provisions of Section 2 of this Order shall be implemented by each agency not later than October 1, 1977.

SEC. 9. Nothing in this Order shall apply to assistance provided for emergency work, essential to save lives and protect property and public health and safety, performed pursuant to Section 305 and 306 of the Disaster Relief Act of 1974 (88 Stat. 148, 42 U.S.C. 5145 and 5146).

SEC. 10. To the extent the provisions of Sections 2 and 5 of this Order are applicable to projects covered by Section 104(h) of the Housing and Community Development Act of 1974, as amended (88 Stat. 640, 42 U.S.C. 5304(h)), the responsibilities under those provisions may be assumed by the appropriae applicant, if the applicant has also assumed, with respect to such projects, all of the responsibilities for environmental review, decisionmaking, and action pursuant to the National Environmental Policy Act of 1969, as amended.

JIMMY CARTER

The White House,
May 24, 1977.

Protection of Wetlands

Statement by the President Accompanying Executive Order 11990. May 24, 1977

The Nation's coastal and inland wetlands are vital natural resources of critical importance to the people of this country. Wetlands are areas of great natural productivity, hydrological utility, and environmental diversity, providing natural flood control, improved water quality, recharge of aquifers, flow stabilization of streams and

rivers, and habitat for fish and wildlife resources. Wetlands contribute to the production of agricultural products and timber, and provide recreational, scientific, and aesthetic resources of national interest.

The unwise use and development of wetlands will destroy many of their special qualities and important natural functions. Recent estimates indicate that the United States has already lost over 40 percent of our 120 million acres of wetlands inventoried in the 1950's. This piecemeal alteration and destruction of wetlands through draining, dredging, filling, and other means has had an adverse cumulative impact on our natural resources and on the quality of human life.

The problem of loss of wetlands arises mainly from unwise land use practices. The Federal Government can be responsible for or can influence these practices in the construction of projects, in the management of its own properties, and in the provisions of financial or technical assistance.

In order to avoid to the extent possible the long and short term adverse impacts associated with the destruction or modification of wetlands and to avoid direct or indirect support of new construction in wetlands wherever there is a practicable alternative, I have issued an Executive order on the protection of wetlands.

Executive Order 11514. March 5, 1970

PROTECTION AND ENHANCEMENT
OF ENVIRONMENTAL QUALITY

As amended by Executive Order 11991.
(Secs. 2(g) and 3(h)). May 24, 1977

By virtue of the authority vested in me as President of the United States and in furtherance of the purpose and policy of the National Environmental Policy Act of 1969 (Public Law No. 91-190, approved January 1, 1970), it is ordered as follows:

Section 1. *Policy.* The Federal Government shall provide leadership in protecting and enhancing the quality of the Nation's environment to sustain and enrich human life. Federal agencies shall initiate measures needed to direct their policies, plans and programs so as to meet national environmental goals. The Council on Environmental Quality, through the Chairman, shall advise and assist the President in leading this national effort.

Sec. 2. *Responsibilities of Federal agencies.* Consonant with Title I of the National Environmental Policy Act of 1969, hereafter referred to as the "Act", the heads of Federal agencies shall:

(a) Monitor, evaluate, and control on a continuing basis their agencies' activities so as to protect and enhance the quality of the environment. Such activities shall include those directed to controlling pollution and enhancing the environment and those designed to accomplish other program objectives which may affect the quality of the environment. Agencies shall develop programs and measures to protect and enhance environmental quality and shall assess progress in meeting the specific objectives of such activities. Heads of agencies shall consult with appropriate Federal, State and local agencies in carrying out their activities as they affect the quality of the environment.

(b) Develop procedures to ensure the fullest practicable provision of timely public information and understanding of Federal plans and programs with environmental impact in order to obtain the views of interested parties. These procedures shall include, whenever appropriate, provision for public hearings, and shall provide the public with relevant information, including information on alternative courses of action. Federal agencies shall also encourage State and local agencies to adopt similar procedures for informing the public concerning their activities affecting the quality of the environment.

(c) Insure that information regarding existing or potential environmental problems and control methods developed as part of research, development, demonstration, test, or evaluation activities is made available to Federal agencies, States, counties, municipalities, institutions, and other entities, as appropriate.

(d) Review their agencies' statutory authority, administrative regulations, policies, and procedures, including those relating to loans, grants, contracts, leases, licenses, or permits, in order to identify any deficiencies or inconsistencies therein which prohibit or limit full compliance with the purposes and provisions of the Act. A report on this review and the corrective actions taken or planned, including such measures to be proposed to the President as may be necessary to bring their authority and policies into conformance with the intent, purposes, and procedures of the Act, shall be provided to the Council on Environmental Quality not later than September 1, 1970.

(e) Engage in exchange of data and research results, and cooperate with agencies of other governments to foster the purposes of the Act.

(f) Proceed, in coordination with other agencies, with actions required by section 102 of the Act.

(g) In carrying out their responsibilities under the Act and this Order, comply with the regulations issued by the Council except where such compliance would be inconsistent with statutory requirements.

Sec. 3. *Responsibilities of Council on Environmental Quality.* The Council on Environmental Quality shall:

(a) Evaluate existing and proposed policies and activities of the Federal Government directed to the control of pollution and the enhancement of the environment and to the accomplishment of other objectives which affect the quality of the environment. This shall include continuing review of procedures employed in the development and enforcement of Federal standards affecting environmental quality. Based upon such evaluations the Council shall, where appropriate, recommend to the President policies and programs to achieve more effective protection and enhancement of environmental quality and shall, where appropriate, seek resolution of significant environmental issues.

(b) Recommend to the President and to the agencies priorities among programs designed for the control of pollution and for enhancement of the environment.

(c) Determine the need for new policies and programs for dealing with environmental problems not being adequately addressed.

(d) Conduct, as it determines to be appropriate, public hearings or conferences on issues of environmental significance.

(e) Promote the development and use of indices and monitoring systems (1) to assess environmental conditions and trends, (2) to predict the environmental impact of proposed public and private actions, and (3) to determine the effectiveness of programs for protecting and enhancing environmental quality.

(f) Coordinate Federal programs related to environmental quality.

(g) Advise and assist the President and the agencies in achieving international cooperation for dealing with environmental problems, under the foreign policy guidance of the Secretary of State.

(h) Issue regulations to Federal agencies for the implementation of the procedural provisions of the Act (42 U.S.C. 4332(2)). Such regulations shall be developed after consultation with affected agencies and after such public hearings as may be appropriate. They will be designed to make the environmental impact statement process more useful to decisionmakers and the public; and to reduce paperwork and the accumulation of extraneous background data, in order to emphasize the need to focus on real environmental issues and alternatives. They will require impact statements to be concise, clear, and to the point, and supported by evidence that agencies have made the necessary environmental analyses. The Council shall include in its regulations procedures (1) for the early preparation of environmental impact statements, and (2) for the referral to the Council of conflicts between agencies concerning the implementation of the National Environmental Policy Act of 1969, as amended, and Section 309 of the Clean Air Act, as amended, for the Council's recommendation as to their prompt resolution.

(i) Issue such other instructions to agencies, and request such reports and other information from them, as may be required to carry out the Council's responsibilities under the Act.

(j) Assist the President in preparing the annual Environmental Quality Report provided for in section 201 of the Act.

(k) Foster investigations, studies, surveys, research, and analyses relating to (i) ecological systems and environmental quality, (ii) the impact of new and changing technologies thereon, and (iii) means of preventing or reducing adverse effects from such technologies.

Sec. 4. *Amendments of E.O. 11472.* Executive Order No. 11472 of May 29, 1969, including the heading thereof, is hereby amended:

(1) By substituting for the term "the Environmental Quality Council", wherever it occurs, the following: "the Cabinet Committee on the Environment".

(2) By substituting for the term "the Council", wherever it occurs, the following: "the Cabinet Committee".

(3) By inserting in subsection (f) of section 101, after "Budget,", the following: "the Director of the Office of Science and Technology,".

(4) By substituting for subsection (g) of section 101 the following:

"(g) The Chairman of the Council on Environmental Quality (established by Public Law 91–190) shall assist the President in directing the affairs of the Cabinet Committee."

(5) By deleting subsection (c) of section 102.

(6) By substituting for "the Office of Science and Technology", in section 104, the following: "the Council on Environmental Quality (established by Public Law 91–190)".

(7) By substituting for "(hereinafter referred to as the 'Committee')", in section 201, the following: "(hereinafter referred to as the 'Citizens' Committee')".

(8) By substituting for the term "the Committee", wherever it occurs, the following: "the Citizens' Committee".

THE WHITE HOUSE, APRIL 18, 1977

PRESS STATEMENT OF DOUGLAS M. COSTLE
ADMINISTRATOR OF THE ENVIRONMENTAL PROTECTION AGENCY

The President has asked me to announce the Administration's position on amendments to the Clean Air Act now under consideration by the Congress. As you know, Senator Ed Muskie and Congressman Paul Rogers, and their respective Subcomittees, have been working on clean air legislation over the last six weeks. The President and I share their commitment to achievement and maintenance of our clean air and public health goals, and appreciate the leadership they have provided on this legislation.

Clean air is essential to the health and welfare of all Americans. Scientific studies show a direct relationship between exposure to polluted air and the incidence of heart disease, nervous system disorders, lung cancer, emphysema, asthma, and other respiratory diseases, especially among infants and the elderly. Air pollution is also costly to property, materials, and vegetation.

We have made significant progress in cleaning up the air. Recent studies indicate that emissions of several pollutants from power plants, factories, and automobiles have begun to decline. The quality of our air has made a small but important reversal toward healthiness. Many millions of Americans, especially in large metropolitan areas, are beginning to see

and feel the difference.

There is still, however, much to be done before we can say we have fully achieved our clean air goals. Clean air is not an aesthetic luxury; it is a public health necessity. Many regions of the country have not yet met the health-based primary ambient air quality standards. The legislative recommendations the President has asked me to explain today will help provide the framework for attaining these standards.

Environmental issues do not exist in a vacuum. Environmental requirements must be carefully examined and related to our economic and energy goals. The President and I are fully committed to the principle that our nation must have a strong environmental program as a necessary prerequisite to future progress in solving our energy and economic problems.

Auto Emissions

We are committed to maintaining momentum in cleaning up pollution from automobiles. The standards we are recommending today are tough but fair. They are consistent with our fuel standards. They will help reduce urban smog and protect public health.

The President and I are recommending that:

--The statutory standard for hydrocarbons of .41 grams per mile be met beginning with the 1979 model year.

per mile be met beginning with the 1979 model year.

--The standard for carbon monoxide should be set at 9.0 grams per mile in 1979, with the statutory standard of 3.4 grams per mile in effect beginning with the 1981 model year.

--The standard for nitrogen oxides should be set at 2.0 grams per mile in 1979, and 1.0 grams per mile for 1981 and thereafter unless the Administrator decides by 1980, based on health impacts, that the 0.4 grams per mile statutory level is needed beginning in 1983.

Standards for New Facilities

The President and I believe that new power plants and new industrial facilities should be required to use the best available control technology to limit emissions. Air quality requirements should be met with stacks no taller than normally would be built under good engineering practice. The installation of the best available control technology for new facilities will provide a basis for orderly economic growth which will help us meet our air quality goals.

Prevention of Significant Deterioration

Our effort to control air apollution must include protection of air that is already clean. We cannot afford policies which would create new problems in areas which are now meeting the ambient air quality standards. The President supports inclusion in the Act of a provision to limit additions of new pollutants in areas which are already clean to certain specified levels. We also support mandatory protection for National Parks and other significant national areas.

Growth in Non-Attainment Areas

The nation faces a difficult problem in deciding how to accommodate new industrial growth in areas that are now in violation of the health-based standards. We must find

a fair and equitable way to further reduce emissions from existing sources so as to permit new growth while keeping on a path which will result in attainment of the health standards. Although EPA has adopted a policy requiring that emissions for new sources be more than offset by a reduction in emissions from existing sources within a non-attainment area, the President has asked me to review this issue to recommend a strategy which will lead to the attainment of our national health standards. We will be asking the Congress to defer action in this area for one year, to permit full study of this complex issue, and the development of a fair and effective policy for the future.

Coal Conversion

This Administration is committed to the achievement of our energy goals in a manner which will not compromise the attainment of our environmental objectives. The President has stressed the need to switch from scarce oil and gas to coal. Coal conversion can be accomplished without sacrificing environmental quality provided we have sound clean air requirements. The President is recommending amendments which would require a converting facility to attain all applicable federal standards at the time of conversion, and to conform with applicable state air pollution regulations by January 1, 1980.

In conclusion, let me say that these recommendations to

the Congress are the result of an intense, cooperative re-examination of the Clean Air Act by the new Administration. They provide a solid environmental foundation for the energy policy which the President will propose to the Congress on Wednesday. they constitute a strong reaffirmation of our nation's commitment to environmental protection. We look forward to working closely with the Congress in the effort to achieve prompt enactment of this important legislation.

FACT SHEET--Amendments to the Clean Air Act
Auto Emissions Standards

Administration Recommended Standards

Beginning in Model Year	Hydrocarbons (gpm)	Carbon Monoxide (gpm)	Nitrogen Oxides (gpm)
1979	.41	9.0	2.0
1981	.41	3.4	1.0
1983	.41	3.4	1.0 unless by 1980 the Administrator determines, based on health effects, that 0.4 is necessary.

(gpm=grams per mile)

Health Effects

- o Hydrocarbons: Aggravates asthma and chronic lung disease. Healthy people can experience change in lung function, headaches, and eye irritation.
- o Carbon Monoxide: Aggravates heart disease, anemia, and lung disease; may impair reflexes; affects vision; and can affect the central nervous system.
- o Nitrogen Oxides: Aggravates asthma and emphysema. Children are especially susceptible to nitrogen dioxide. Contributes to the formation of other harmful components.

Fuel Economy

The mandatory fuel economy standards established in the Energy Policy and Conservation Act for 1979 through 1985 can be achieved while meeting these emission standards.

★U.S. GOVERNMENT PRINTING OFFICE: 1977—236-156:6392